

TOWN OF LUNENBURG BYLAW NUMBER #38

A BYLAW TO PROVIDE FOR THE SEPARATION, STORAGE, PLACEMENT, COLLECTION AND TRANSPORTATION OF SOLID WASTE RESOURCES GENERATED WITHIN THE TOWN OF LUNENBURG

SHORT TITLE:

- 1) This Bylaw shall be known and may be cited as the “**Solid Waste Management Bylaw**”.

DEFINITIONS:

- 2) Words used in this Bylaw shall take their meaning from their context and from dictionaries of the English (Canadian) language, except as follows:
 - a) “**approved storage bin**” means a storage bin designed for the temporary storage of collectible waste and which meets the following specifications:
 - i. is constructed of wood or other sturdy material and in such a manner as to be inaccessible to pests, rodents, vermin, seagulls or animals;
 - ii. is fitted with a securely-hinged lid weighing not more than 5.0 kilograms (11.0 pounds);
 - iii. is not equipped with a self-locking latch; and
 - iv. is equipped with a means of securing the cover in an open position.
 - b) “**blue bag recyclables**” means glass jars and bottles, cans (whether made of aluminum, steel or tin), plastic containers, plastic bags, film stretch and pallet wrap, milk and juice containers together with such other items as may, from time to time, be designated by Council as blue bag recyclables;
 - 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) “**branches and limbs**” means branches, limbs and brush;
 - e) “**bulky waste**” means large items including but not limited to: vacuum cleaners, windows weighing not more than 100 kg (220.5 lbs.) and measuring not more than 1.8 meters (5.91 feet) in its longest dimension, furniture, mattresses, box springs and porcelain bathroom items such as toilets and sinks, barrels, pallets, white goods, metal items, artificial Christmas trees, as well as small quantities (in bundles) of construction or demolition materials weighing not more than 100 kg (220.5 lbs.) and measuring not more than 1.8 meters (5.91 feet) in its longest dimension, subject to special requirements for collection of bulky waste elsewhere in this Bylaw; and for the purposes of this Bylaw shall be deemed to include a clear bag of residual waste;
 - f) “**collectible waste**” means those wastes which are eligible for collection, within the volume and other restrictions outlined elsewhere in this Bylaw, on regularly-scheduled collection days and consists of the following categories of waste:
 - i. organic materials (as defined herein);
 - ii. recyclables (as defined herein);
 - iii. residual waste (as defined herein); and
 - iv. bulky waste (as defined herein).

- g) **“collection calendar”** means a calendar prepared and distributed by the Town illustrating the collection schedule for the various waste streams and the routes, as amended from time to time (and without restricting the generality of the foregoing, the term collection calendar shall be deemed to include any display thereof on the Town’s website);
- h) **“commercial container”** means any container used for the storage of properly sorted collectable waste generated from residential, multi-residential, institutional, commercial, industrial or other premises within the Town 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;
- i) **“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 fiberglass 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, but does not include any hazardous or restricted materials such as asbestos;
- j) **“container”** means any vessels or bag as described herein which the property owner is responsible to provide and maintain, place for collection and clean up after if waste materials come out of the container whether on the property owner’s property or municipal property for collection.
- k) **“contaminated soil”** means any soil which has been polluted with an organic or inorganic contaminant in excess of standards prescribed or adopted by the Minister of Environment for the Province of Nova Scotia, and that has caused, is causing, or may cause an adverse effect;
- l) **“Council”** means the Council of the Town of Lunenburg;
- m) **“dispose”** means any form of disposal of any material, including solid waste as defined herein, and includes burning or any of the following whether temporary or permanent: deposit, storage, placement, or burial regardless of whether or not the material being, or having been, deposited, stored or placed is in a box, bin, container or any other containment device;
- n) **“designated electronic products”** means those electronic products as designated in the Electronic Products Stewardship Program pursuant to the Solid Waste-Resource Management Regulations made under Sec. 102 of the Environment Act of Nova Scotia;
- o) **“dwelling unit”** means one or more habitable rooms designed, occupied or intended for use by one or more persons as an independent and separate housekeeping establishment in which kitchen, sleeping and sanitary facilities are provided for the exclusive use of such persons;
- p) **“eligible premises”** means a property within the Town which is eligible for collection services – up to the maximum restrictions outlined elsewhere in this Bylaw – and includes all properties in the Town whether located on private roads or public streets;
- q) **“food waste”** means uneaten food and food preparation waste and food material that is discarded or unable to be used including, without limiting the generality of the foregoing, fruit and vegetable peelings, table scraps, meat, poultry and fish, shellfish, dairy products, cooking oil, grease and fat, bread, grain, rice and pasta, bones, egg shells, coffee grounds and filters, tea leaves and bags or other similar items;
- r) **“green cart”** means an aerated plastic cart designed for the short-term external storage of organic materials prior to collection and for the placing out for collection of same;

- s) **“hauler”** means any public or private company or person who transports solid waste from within the Town to Kaizer Meadow (defined herein);
- t) **“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, propane tanks and small propane cylinders or canisters such as those used for camp stoves or propane torches;
- u) **“leaf and yard waste”** means grass clippings, leaves, twigs, house and garden plants or other similar items as well as branches, limbs or brush – the latter three being subject to special requirements elsewhere in this Bylaw;
- v) **“Kaizer Meadow”** means the Kaizer Meadow Environmental Management Centre which is a solid waste management facility and is located at 450 Kaizer Meadow Road, Chester and their designated operator the Municipality of Chester;
- w) **“metal items”** means medium to large metal items including metal fencing, water tanks, oil tanks – subject to special 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;
- x) **“mini-bin”** means a small plastic container designed for the short-term internal storage of organic materials prior to deposit in a green cart;
- y) **“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, fireworks, flares, 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 sharps 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 – including “household hazardous waste” as defined herein;
 - v. designated electronic products;
 - vi. solid waste generated, or originating from, outside the Town;
 - 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 “clean-up waste” in this Bylaw;
 - x. septic tank pumping’s, raw sewage or industrial sludge;
 - xi. radioactive materials;
 - xii. all passenger tires up to 62.0 cm (24.4 inches) as per the Tire Management Program with the Resource Recovery Fund Board of Nova Scotia;
 - xiii. industrial waste from factories or manufacturing processes;
 - xiv. manure, kennel waste, excreta, and fish processing waste but excluding pet litter, pet waste, and diapers;
 - xv. lead-acid automotive batteries and propane tanks;

- xvi. waste which has been placed for collection but not in accordance with the provisions of this Bylaw;
 - xvii. materials including, without limiting the generality of the foregoing, liquid wastes 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; and
 - xviii. other materials or solid waste as may be identified as unacceptable for municipal collection by the Town, including but not restricted to waste or material identified as non-collectible waste in public education documents distributed by the Town from time to time or referred to in the collection calendar or on the Town website;
- z) “non-recyclable paper” means used napkins or paper towel, used fast food wrappers, wax paper, soiled pizza or other take-out food boxes, used paper plates or paper cups, damp or soiled newspaper or flyers, sugar, flour & potato paper bags or other similar items;
 - aa) “**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;
 - bb) “**occupant**” means any person who, in addition to or instead of the owner, resides in or occupies 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;
 - cc) “**organic materials**” means food waste (as defined herein), leaf and yard waste (as defined herein), non-recyclable paper (as defined herein), ashes or soot, sawdust (except fine dry sawdust), wood chips, wood shavings and other specific material of plant or animal origin as designated by Council from time to time;
 - dd) “**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; a mortgagee in possession or a person having the care or control of the land or 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, and an agent, and, in the absence of proof to the contrary, the person assessed for the property;
 - ee) “**paper recyclables**” means non-soiled mixed paper, corrugated cardboard, boxboard (as defined herein), newsprint, magazines, catalogues, flyers, 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 or other similar items as are designated by Council from time to time;
 - ff) “**Non-Transparent Bag**” means an opaque bag (black or green in colour) containing “residual waste” which has been placed for collection subject to special requirements elsewhere in this Bylaw;
 - gg) “**recyclables**” means paper recyclables and blue bag recyclables – both as defined herein;
 - hh) “**regulation container**” means a container, bag or bundle which meets the specifications and other requirements for same – in relation to specific waste types – as outlined elsewhere in this Bylaw;
 - ii) “**rejected waste**” means any type of waste which has been placed for collection but not in accordance with the provisions of this Bylaw and which has had a rejection sticker affixed thereto or has been otherwise rejected by the Town or its designated agent;

- jj) **“residual waste”** means collectible waste other than organic materials (as defined herein) and recyclables (as defined herein) including without restricting the generality of the foregoing, broken bottles, crockery and glassware – subject to special requirements elsewhere in this Bylaw – and floor sweepings (except fine dry sawdust), pet litter, pet waste, light bulbs, disposable diapers, discarded clothing and furnishings, soiled mixed paper, broken toys, mats and small carpets, non-recyclable plastic, non-recyclable packaging including styrofoam and padded or bubbled envelopes, metallic wrapping paper, non- passenger tires, non- repairable household waste [but not including any household hazardous waste (as defined herein) or other non-collectible waste (as defined herein)];
- kk) **“solid waste”** means collectible waste, non-collectible 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;
- ll) **“Town”** means the Town of Lunenburg;
- mm) **“Town Engineer”** means the person appointed as the Town Engineer for the Town of Lunenburg and includes any person acting under the supervision and direction of the Town Engineer;
- nn) **“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 special requirements elsewhere in this Bylaw and it is recommended that any Freon or other refrigerant gas, coolant or CFC be removed before being placed for collection.

COLLECTION:

- 3) Regularly scheduled collection from eligible premises of recyclables subject to restrictions noted elsewhere in this Bylaw shall take place once every two (2) weeks commencing at 6:00 a.m.
- 4) Regularly scheduled collection from eligible premises of organic materials, and residual waste [and either one bulky waste item (other than a clear bag) or one additional clear bag of residual waste as a bulky waste item], subject to restrictions noted elsewhere in this Bylaw – shall take place on the alternating week commencing at 6:00 a.m. The Town may in its discretion (which will be noted on the collection calendar) collect organic materials every week during July and August.
- 5) The alternating bi-weekly nature of the two above-mentioned collections results in a collection of some type(s) of collectible waste once a week.
- 6) When a normally scheduled collection day falls on a public or statutory holiday, such collection shall be made instead on a date as identified in the Town’s collection calendar, unless otherwise specified by the Town Engineer.
- 7) Collection of natural Christmas trees, subject to the restrictions noted elsewhere in this Bylaw, shall take place annually in the month of January on a date to be specified by the Town Engineer or as noted on the collection calendar.
- 8) The dates for collection of collectible waste from eligible premises will be as described in a collection calendar, which will also be posted on the Town’s website.

PLACEMENT:

- 9)
 - a) All solid waste to be collected by the Town (including waste from eligible premises on a private road) shall be accessible to the collector within 3.0 meters (9.8 feet) of the curb or travelled portion of the adjacent public street (or adjacent private road, as the case

may be) and placed in such a manner as to not interfere with pedestrian traffic and snow removal.

- b) Green carts must be placed at the curb (or edge of the travelled portion of the street or private road) in an upright position with the lid closed and the front of the cart facing the street, road or highway.

Notwithstanding the foregoing provisions of this section 9, all solid waste to be collected shall be placed so as not to obstruct the travelled portion of the street or the sidewalk (or the adjacent private road, as the case may be).

- c) Persons may only place solid waste for collection in the public street directly abutting the property that generated the solid waste.

10) All regulation or other containers of solid waste placed out to be collected by the Town shall also be placed in an upright position and, in applicable circumstances, with the lid securely closed.

11) The Town Engineer may designate places for collection of solid waste within manufactured home parks.

CONTAINER REGULATIONS FOR RESIDUAL WASTE:

12) Residual Waste Bag Container Specifications:

- a) Each bag (other than the Non-Transparent Bag Privacy Bag) shall be made of clear transparent (free from colour) plastic, be watertight and be securely tied;
- b) Each bag shall be no smaller than 66.0 cm x 91.4 cm (26.0 inches x 36.0 inches) and no larger than 76.2 cm x 121.9 cm (30.0 inches x 48.0 inches);
- c) Each bag shall have an overall length of between 0.5 meters (1.6 feet) and 1.2 meters (3.9 feet) when empty; and
- d) Each bag, including contents, shall not exceed 25.0 kilograms (55.1 pounds) in weight.

13) Non-Transparent Bag Specifications

- a) Each bag shall be made of opaque (black or dark green) plastic, be watertight and be securely tied;
- b) Each bag shall be no smaller than 66 cm x 91.4 cm (26.0 inches x 36.0 inches) and no larger than 76.2 cm x 121.9 cm (30.0 inches x 48.0 inches);
- c) Each bag shall have an overall length of between 0.5 meters (1.6 feet) and 1.2 meters (3.9 feet) when empty; and
- d) Each bag, including contents, shall not exceed 25.0 kilograms (55.1 pounds) in weight.

14) Other Residual Waste Container Specifications

No person shall place, or caused to be placed, residual waste out for collection in any container other than a "regulation container" which is one which meets the following specifications:

- a) Regulation containers shall be made of metal, plastic or other impermeable material;
- b) Regulation containers shall be watertight, secured with a cover, equipped with handles in good repair and as large or larger at the top as they are at the bottom;
- c) Regulation containers shall not be filled above a level 5 cm (2.0 inches) below the top of the container;

- d) Each regulation container, including contents, shall not exceed 25 kilograms (55.1 pounds) in weight;
- e) Each regulation container shall not exceed 100 liters (105.7 quarts) in volume;
- f) Regulation containers shall be maintained in a neat and sanitary condition and kept in good repair; and
- g) All waste in a regulation container must be bagged in a clear or Non-Transparent Bag (as authorized in this Bylaw) so that it may be inspected by the collector or other inspector engaged by the Town.

CONTAINER REGULATIONS FOR RECYCLABLES:

15) No person shall place, or caused to be placed, recyclables out for collection in any container other than a “regulation container” which is a bag which meets the following specifications:

Blue Bag Recyclables:

- a) Each bag shall be watertight, securely tied and of transparent blue plastic;
- b) Each bag shall also be no smaller than 25.0 cm x 40.0 cm (9.8 inches x 15.7 inches) and no larger than 75.3 cm x 120.0 cm (29.62 inches x 47.2 inches); and
- c) Each bag, including contents, shall not exceed 25 kilograms (55.1 pounds) in weight; and
- d) All recyclables must be clean.

Paper:

- e) Each bag shall be a plastic opaque bag (such as a grocery bag) or a transparent clear plastic bag;
- f) Each bag shall be made of plastic, be watertight and be securely tied;
- g) Each bag shall be no smaller than 25.0 cm x 40.0 cm (9.8 inches x 15.7 inches) and no larger than 75.3 cm x 120.0 cm (29.62 inches x 47.2 inches); and
- h) Each bag, including contents, shall not exceed 25 kilograms (55.1 pounds) in weight.

CONTAINER REGULATIONS FOR ORGANIC MATERIALS:

16) No person shall place, or cause to be placed, organic materials out for collection in any container other than a “regulation container” in the form of a green cart.

17) Notwithstanding section 16 hereof, special container requirements are applicable for leaf and yard waste as described under PREPARATION of SPECIFIC WASTE below and there are specific controls on natural Christmas trees under COLLECTION OF NATURAL CHRISTMAS TREES below.

COMMERCIAL CONTAINERS SPECIFICATIONS:

18) Commercial containers shall:

- a) Be sturdily constructed of weather-proof material and shall be water tight;
- b) Be inaccessible to pests, rodents, vermin, seagulls or animals;
- c) Be 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;
- d) Be kept in a clean manner and in a sanitary condition;
- e) Be kept in a state of good repair;

- f) Have displayed thereon the name and telephone number of the owner of the container and the type of material to be deposited therein;
- g) Have displayed thereon the following message "GARBAGE" or "LANDFILL", where institutional, commercial or industrial waste is to be deposited in the commercial container;
- h) Have displayed thereon the following message "RECYCLABLES", where blue bag recyclables are to be deposited in the commercial container;
- i) Have displayed thereon the following message "PAPER" or "CARDBOARD", where fiber recyclables are to be deposited in the commercial container; and
- j) Have displayed thereon the following message "ORGANICS", where organic materials are to be deposited in the commercial container.

PREPARATION of SPECIFIC WASTES

Leaf and Yard Waste

- 19) Leaf and yard waste may be deposited into a green cart so long as the cover of same is completely closed.
- 20) Leaf and yard waste may also be deposited into paper bags.
- 21) Branches and limbs or brush, of a maximum length of 900.0 mm (3.0 feet) and maximum individual diameter of 50.0 mm (2.0 inches) may be tied in manageable bundles or inserted into bags as outlined above and outlined under Collection of Leaf and Yard Waste later in this Bylaw.

Bottles or Glassware

- 22) Broken bottles and glassware shall be sealed in a cardboard box or bucket or other non-bag container and clearly identified— by noting, in large capital letters, on the outside of the bundle the words "BROKEN GLASS" – a warning to collection personnel.

Ashes or Soot

- 23) Ashes or soot shall be completely cooled for a minimum of two (2) weeks, dampened down and placed in paper bags folded over and clearly marked as ashes for collection on compost collection day.

Cardboard

- 24) Corrugated cardboard shall be flattened out and securely tied in convenient bundles weighing no more than 25.0 kilograms each (55.1 pounds) and being a maximum of 900.0 mm by 600.0 mm (3.0 feet x 2.0 feet) in area and no more than 600.0 mm (2.0 feet) thick.

GREEN CARTS:

- 25)
 - a) Every owner or occupant shall provide sufficient and specified green carts for the storage and disposal of organic waste generated from his or her premises and maintain such green carts in good repair and sanitary condition. Those green carts shall remain the property of the said owner or occupant.

- b) Notwithstanding subsection 25(a), the Town at its discretion, may supply green carts to newly constructed buildings. Any green carts distributed by the Town (whether before or after the passage of this Bylaw) shall remain the property of the Town and shall remain at the premises for which the green cart was supplied. The owner and the occupant of the premises shall maintain the said green cart supplied by the Town, and if requested by the Town, shall replace same.

26) To comply with the preceding section a green cart shall be:

- a) of 120-litre or 240-litre capacity;
- b) either of the aerated or ventilated type;
- c) dark green in colour;
- d) manufactured by SSI Schaefer or Town approved equal; and
- e) designed to be emptied by a hydraulic lifting device.

27) Every owner or occupant of the following types of dwellings shall provide the number of green carts as outlined below. In all cases the building owners are to ensure adequate number of green carts is provided.

- | | |
|---|--|
| a) single-unit building | 1 green cart per dwelling unit (140 or 240 litre |
| b) 2 unit building | 1 green cart per each unit (140 litre or 240 litre |
| c) buildings of 3 to 5 units | 2 green carts per building (240 litres |
| d) buildings of 6 to 10 units | 3 green carts per building (240 litre) |
| e) buildings of 11 to 20 units | 4 green carts per building (240 litre) |
| f) building of over 20 units | 5 green carts per building (240 litre) |
| g) senior's apts. of more than 20 units | 5 green carts per building (240 litre) |

RESTRICTIONS:

28)

- a) No person shall place, or cause to be placed, residual waste per any one eligible premises out for collection on any one collection day the cumulative weight of which, including containers, exceeds 100.0 kilograms (220.5 pounds) excluding bulky waste items.
- b) No person shall place, or cause to be placed recyclables per any one eligible premises out for collection on any one collection day the cumulative weight of which, including containers, exceeds 100 kilograms (220.5 lbs.)

29) No person shall place, or cause to be placed, leaf and yard waste from any one eligible premise out for collection on any one collection day which exceeds a maximum of six (6) bags and/or bundles.

30) No person shall place, or cause to be placed, residual waste from any one eligible premise out for collection on any one collection day which exceeds a maximum of six (6) bags excluding bulky waste items.

31)

- a) No person shall place, or cause to be placed for collection more green carts per any one dwelling unit than the number prescribed in section 27 above on any one collection day and the combined weight of a cart and its contents shall not exceed 110 kilograms (242.5 lbs.).

- b) No person shall place or cause to be placed for collection more than one (1) green cart per any eligible premise which is not a dwelling unit on any one collection day and the combined weight of a cart and its contents shall not exceed 110 kilograms (242.5 lbs.).

32) Solid waste placed for collection:

- a) shall not exceed 150 kilograms (330.7 lbs.) in total excluding green carts and bulky waste as set out herein per each eligible premise per week;
- b) shall not exceed 2 cubic meters in total volume excluding green carts and bulky waste per each eligible premise per week;
- c) shall not exceed a length of 900 mm (35.4 inches) for any single, individual piece of solid waste with the exception of bulky waste; and
- d) for bulky waste shall not exceed 100 kilograms (220.5 lbs.) in total.

33) No person shall place, or cause to be placed, more than one (1) Non-Transparent Bag per any one eligible premise out for collection on any one collection day for residual waste.

34) No person shall place, or cause 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 authorized Non-Transparent Bags as outlined elsewhere in this Bylaw), provided that the bag may be placed inside a regulation container as referred to in Section 14 of this Bylaw.

35) Non-Transparent Bags

- a) Notwithstanding Sections 33 and 34, residents who require more than one Non-Transparent Bag in order to dispose of medical and/or health related waste may make application to the Town Engineer by Application Form attached as Schedule A hereto, and the Town Engineer after considering the necessity therefor, may grant the resident approval to place, or cause to be placed, a greater number of Non-Transparent Bags per any one dwelling unit out for collection on any one collection day for a period of up to 2 years;
- b) No person from that dwelling unit shall place, or cause to be placed, out for collection on any one collection day a greater number of Non-Transparent Bags than were authorized, upon application, by the Town Engineer.
- c) No person shall place in a Non-Transparent Bag anything proscribed in the application form or in the approval granted by the Town Engineer

36) Notwithstanding Sections 33 and 34:

- a) If a business has a public waste container on its property for mixed waste brought onto the premises by customers (and not generated on the premises) the owner or occupant may make application to the Town Engineer by Application Form attached as Schedule B hereto for the placement of additional Non-Transparent (black or dark green) plastic bag(s) for collection. The Town Engineer upon such Application, and after considering the necessity therefor, may grant the business approval to place or cause to be placed for collection on any one collection day, one (or a greater number) of Non-Transparent (black or dark green) plastic bags for mixed waste in addition to the Non-Transparent Bag authorized under this Bylaw.

- b) No person from that business shall place or cause to be placed out for collection on any one collection day a greater number of mixed waste Non-Transparent (black or dark green) plastic bags than were authorized upon Application by the Town Engineer.
- c) No person shall place in any such mixed waste bag anything proscribed in the Application Form or in the approval granted by the Town Engineer.

REJECTION OF WASTE:

- 37) Any type of waste which has been set out for collection is subject to inspection by the Town or its designated agent and any such waste found or deemed by same to be set out in violation of the requirements of this Bylaw may be rejected and not collected.
- 38) Any waste which is so rejected may have placed on it a Rejection Sticker indicating the reason or reasons for rejection and information as to how to rectify same or get direction to rectify the problem, (although the Town or any person designated by it may otherwise reject solid waste without affixing a rejection sticker).
- 39) Any rejected waste shall remain the property of the owner or occupier, and shall be disposed of as permitted by this Bylaw.

PROHIBITIONS SPECIFIC TO COLLECTIONS:

- 40) No person shall place, or cause to be placed, any collectible waste out for collection before 6:00 pm of the day immediately preceding the day scheduled for collection of that solid waste stream.
- 41)
 - a) No person shall place, or cause to be placed, any collectible waste out for collection after 6:00 a.m. of the day scheduled for collection.
 - b) Any waste placed out for collection after 6:00 a.m. may not be collected if the collection contractor has already passed that property.
 - c) If any waste is placed out for collection after 6:00 a.m. and it is not collected by the collection contractor, it shall be removed from the public street and properly stored on the private property from which the waste originated.
- 42) The two immediately preceding sections may be altered by written permission of the Town Engineer.
- 43) No person shall permit any empty or rejected regulation container or any rejected materials or waste to remain at the collection placement spot after 12:00 noon of the day following the day scheduled for collection.
- 44) No person shall place, or cause to be placed, any non-collectible waste out for collection.
- 45) No person shall place any garbage box or other container for holding waste between collection days on a street right-of-way.

COLLECTION OF BULKY WASTE:

- 46) No person shall place, or cause to be placed, bulky waste out for collection except in accordance with the following restrictions:

- a) It is recommended that any Freon or other refrigerant gas, coolant or CFC be removed from a refrigerator, freezer, dehumidifier or air conditioner prior to being placed out for collection and any refrigerator or freezer shall have its doors already removed.
- 47) No person shall place, or cause to be placed, bulky waste out for collection except in accordance with the following restrictions:
- a) such waste, when consisting of more than one article, shall be packaged, bundled or boxed so as to facilitate removal and handling in order to constitute one item; and
 - b) the individual package, bundle or box shall not exceed 100 kilograms (220.5 lbs.) in weight; and
 - c) the individual package, bundle or box shall not exceed 1.8 meters (5.91 feet) in any dimension.
- 48) No person shall place, or cause to be placed, bulky waste out for collection on any one day the total of which exceeds 2.0 m³ in total volume.
- 49) No person shall permit any rejected waste to remain at the collection placement spot after 12:00 noon of the day immediately following the day designated by the Town Engineer for collection of same.

SPECIAL PROVISIONS FOR LEAF AND YARD WASTE:

- 50) No person shall place, or cause to be placed leaf and yard waste out for collection except on a day designated for organic waste and in accordance with the following restrictions:
- a) if not in a green cart, such waste shall (save for bundled branches/ limbs) be contained in securely tied paper bags of a dimension no less than 66.0 cm by 91.0 cm (26.0 inches by 36.0 inches) nor greater than 76.2 cm x 121.9 cm (30.0 inches x 48.0 inches) and shall not exceed a weight of 25.0 kg (55.1 pounds);
 - b) bundled branches/limbs not exceeding 900.0 mm (3.0 feet) in length with individual limbs not exceeding 50 mm (2 inches) in diameter;
 - c) each bag or bundle shall not exceed a weight of 25.0 kg (55.1 pounds); and
 - d) the total of such waste shall not exceed 2.0 cubic meters (2.6 cubic yards) in total volume.

COLLECTION OF NATURAL CHRISTMAS TREES:

- 51) No person shall place, or caused to be placed, a natural Christmas tree out for collection except on a day designated by the Town Engineer for collection of same and in accordance with the following restrictions:
- a) It is to be unpackaged and undecorated, including the removal of all lights and any tree stand;
 - b) It shall have no wires or nails attached; and
 - c) It must not exceed 3.0 meters (9.8 feet) in length.
- 52) No person shall place, or cause to be placed, any natural Christmas tree out for collection before 6:00 pm of the day immediately preceding the day designated by the Town Engineer for collection of same.

53)

- a) No person shall place, or cause to be placed, any natural Christmas tree out for collection after 6:00 AM of the day designated for collection of same.
- b) Any natural Christmas tree placed out for collection after 6:00 a.m. may not be collected if the collection contractor has already passed that property.
- c) If any natural Christmas tree is placed out for collection after 6:00 a.m. and it is not collected by the collection contractor, it shall be removed from the public street and properly stored on the private property from which the Christmas tree waste originated.

54) No person shall permit any rejected natural Christmas tree to remain at the collection placement spot after 12:00 noon of the day immediately following the day designated for collection of same.

RESPONSIBILITIES OF OWNERS and OCCUPANTS:

55) Every owner and occupant shall:

- a) Ensure that collectible waste and clean-up waste is placed for collection in accordance with this Bylaw;
- b) Use only regulation containers for the storing and placement for collection of collectible waste;
- c) Provide a sufficient number of regulation containers to contain all of the collectible waste generated at the subject premises between regularly scheduled collection dates;
- d) Maintain such regulation containers in good repair, and in a clean and sanitary condition;
- e) Take all reasonable measures to ensure that each regulation container is covered and secured
- f) at all times except when being emptied or filled;
- g) Clean up any type of collectible waste which has escaped from its container, package, bundle or box, (and any Clean-Up Waste which has escaped from its container, package, bundle or box) – whether it be a regulation container or not;
- h) If collectible waste is stored outside the main building on the eligible premises it is to be stored in one or more secured regulation containers or an approved storage bin – in either case made inaccessible to pests, rodents, vermin, seagulls or animals;
- i) Ensure that any approved storage bin serving that premise is maintained at all times in a neat and sanitary condition and in good repair;
- j) Store any waste refrigerator or freezer either inside an enclosed and locked building or with the doors of the refrigerator or freezer removed;
- k) Ensure the proper preparation of all collectible waste in accordance with this Bylaw; and
- l) Abide by all lawful directives of the Town, or designated agents with regard to the handling of solid waste materials.

COMMERCIAL CONTAINERS:

56) The owner or occupier of any premises on which a commercial container is placed shall keep each commercial container behind, or beside, the building which it serves so as to reduce visibility from the street and adjacent properties.

- 57) Where the commercial container is placed on premises which are located in a residential zone pursuant to the Town's Land Use Bylaw or adjacent to a property which is zoned residential or contains a residential use, the commercial container shall be kept not less than 3.0 meters (9.8 feet) from the adjacent property lines.
- 58) Where the owner or occupier of any premises is unable to comply with the requirements of the two (2) immediately preceding sections because of the location of a building on the premises, which building was in existence at the time of the adoption of this Bylaw, the owner or occupier shall keep the commercial container at a location on the premises which is considered by the Town Engineer to not be unsightly and to cause neither a nuisance nor a health related problem.
- 59) Any temporary commercial container used during construction or repair work shall be subject to the following requirements:
- a) no solid waste shall extend beyond the internal volume of the container;
 - b) the temporary commercial container shall be removed immediately upon completion of the construction or repair work; and
 - c) the temporary commercial container shall be emptied as often as required to avoid over-filling of the same.
- 60) An owner or occupier of any premises on which a commercial container is located shall 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.
- 61) An owner or occupier of any premises on which a commercial container is located:
- a) shall place same only on a surface which is hard, level and weather-resistant;
 - b) shall keep the area surrounding the container free from litter and waste; and
 - c) shall cause the container to be emptied on a regular basis, as required.
- 62) Where a person proposes to locate a temporary commercial container within the right of way of a public street in the Town, that person shall submit a request for doing so, to the Town Engineer, outlining the exact proposed location and the estimated time that the container will be required to be there and any other details as requested by the Town Engineer. The person must receive permission from the Town Engineer, outlining the exact location to be used, and other salient details, and agree to pay a fee set by Resolution of Council if parking spaces are impeded, prior to so locating a commercial container.

HAULERS:

- 63) All private collections of solid waste shall be undertaken in compliance with relevant Federal/Provincial/Municipal statutes and regulations.
- 64) All private collection vehicles shall:
- a) be maintained in good condition and be properly manned 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 so as to prevent any contents (including liquids) from falling out, being spilled, or scattering from the vehicle whether in motion or not;
- 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
- f) 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.

65) All private collection of any solid waste shall be made directly to the private collection vehicle from the premises where the same was generated.

66) All solid waste collected through private collections, and which is to be delivered to a solid waste management facility, including but not limited to Kaizer Meadow, shall be in compliance with the Regulations promulgated by the operator of that site, regarding acceptance and receipt of solid waste at that site.

67) In the event of any spillage, the vehicle operator shall be responsible for the clean-up which shall be undertaken immediately.

DESIGNATED ELECTRONIC PRODUCTS:

68) No person shall place designated electronic products out for collection.

69) Every owner or occupant may deliver designated electronic products to a recognized electronics return collection facility in Nova Scotia for reuse or recycling.

HOUSEHOLD HAZARDOUS WASTE:

70) Every owner or occupant shall store any residentially-generated household hazardous waste in a safe and secure manner and place and shall deliver same, as soon as is reasonably possible, to the Household Hazardous Waste Depot ("HHW Depot") at Kaizer Meadow, (or to any other approved Household Hazardous Waste Depot which will accept same).

71) No person shall dispose of, or cause or permit the disposal of, household hazardous waste at any location within the Town.

CONSTRUCTION OR DEMOLITION MATERIALS:

72) Every owner or occupant shall deliver any construction or demolition materials – over and above those collected by the Town – to the appropriate area or site within Kaizer Meadow or an approved C&D debris disposal site.

73) No person shall dispose of construction or demolition materials by stock-piling, storing or any other method.

KAIZER MEADOW ENVIRONMENTAL MANAGEMENT CENTRE:

74) The Town Council has designated the Kaizer Meadow Environmental Management Centre ("Kaizer Meadow") as the receiving site for solid waste generated by its residents, within the restrictions as set in this Bylaw and other restrictions as set by the operator of Kaizer Meadow.

- 75) The operator or other authorized staff of Kaizer Meadow may refuse to accept a load of solid waste for the following reasons:
- a) solid waste other than that which Kaizer Meadow has been approved to accept; or
 - b) it is a load for which a tipping fee, whether set or negotiated, has not yet been paid to Kaizer Meadow; or
 - c) it is a load for which tipping fee payment arrangements satisfactory to the operator or other Kaizer Meadow authorized staff have not yet been agreed to, reduced to writing and signed by both parties.
- 76) No person shall dispose of, or cause or permit the disposal of, any type of solid waste outside, around or adjacent to Kaizer Meadow in the following circumstances:
- a) when Kaizer Meadow is not open and operational; or
 - b) after the operator or authorized staff of Kaizer Meadow has refused to accept same.
- 77) All collection vehicles shall 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 from Kaizer Meadow front gates to the scale house.

LEGAL and ILLEGAL DISPOSAL:

- 78) With the exception of the placement of solid waste for collection in accordance with this Bylaw, and the delivery of designated electronic products or household hazardous wastes to depots or other disposals allowed for in this Bylaw, no person shall dispose of, or cause or permit the disposal of, collectible waste, clean-up waste or non-collectible 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 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 Federal or Provincial law or other Municipal Bylaws to the contrary, the disposal of aggregate, soil, bricks, mortar, concrete, asphalt pavement, porcelain or ceramic materials as fill in such a manner as to not constitute a nuisance.
- 79) No person shall dispose of, or cause or permit the disposal of, any solid waste in an approved storage bin unless that person is, or has the permission of, the owner of said bin and the bin is located on the property where the waste is generated.
- 80)
- a) No person shall dispose of, or cause or permit the disposal of, any non-collectible waste or rejected solid waste on another private property or on public property.
 - b) No person shall dispose of or cause or permit the disposal of non-collectible waste within the Town.
 - c) waste shall be stored on the property where it was generated.
- 81) No person shall dispose of, or cause or permit the disposal of, construction or demolition materials at any location other than at Kaizer Meadow or an approved C&D debris disposal site.

82) Proof that any type of solid waste, which was disposed of in contravention of this Bylaw, originated from a particular person, from the residence of a particular person, or from a particular premise shall, in the absence of evidence convincing a court to the contrary, be evidence sufficient for a court to infer that the said person – or the owner or current occupant of said residence or premises– was the person who disposed of that solid waste, or a portion of same, or caused or permitted it to be disposed of.

GENERAL PROHIBITIONS:

83) Where an owner or occupier properly places any authorized form of solid waste out for collection by the Town’s contractor the said solid waste becomes the property of the Town.

84) No person shall pick over, remove, collect, disturb or otherwise interfere with any type of solid waste or regulation container which has been placed out for collection.

85) No person shall pick over, remove, collect, disturb or otherwise interfere with any type of solid waste or regulation container which has been placed in an approved storage bin.

86) The prohibitions in the immediately preceding three sections do not apply to the following circumstances:

- a) removal by authorized personnel when acting on behalf of the Town; or
- b) waste wood material, appliances or furniture,; and any other materials placed out as bulky waste items;
- c) leaf and yard waste.

87) In the event of any removal, collecting or disturbing by any person as authorized by the immediately preceding section, all remaining materials shall be left by that person in an orderly condition and placed so as to not interfere with pedestrian or vehicular traffic.

88) No person shall dispose of any type of solid waste by the burning of same.

89) No person shall place any solid waste generated from outside the Town for collection within the Town.

ENFORCEMENT and PENALTIES:

Illegal Dumping

90) Any person who disposes of, or permits the disposal of, any solid 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 Two Hundred Dollars (\$200.00) 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.

Other Provisions

91) Any person who violates any other provision of, or permits any other thing to be done in violation of, this Bylaw 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 Dollars (\$200.00) 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 Three Hundred Dollars (\$300.00) 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 Five Hundred Dollars (\$500.00) 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.
- 92) 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 Two Hundred Dollars (\$200.00) 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.
- 93) Where a person is convicted of an offence under this Bylaw and the court is satisfied that, as a result of the commission of the offence, clean-up or site remediation costs were incurred, whether by the Municipality or by a person, the Court may order the offender to pay, in addition to all other fines and penalties, restitution to the Municipality or person in an amount equal to the said clean-up or remediation costs.
- 94) Pursuant to the provisions of the Municipal Government Act, in addition to a fine imposed for a violation of this Bylaw a judge may order the imposition of a penalty in relation to any fee, cost, toll, or charge associated with the conduct that gave rise to the offence.
- 95) 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 compliance with this Bylaw within a specified time.
- 96) Each day that a person commits any offence under this Bylaw constitutes a separate offence.
- 97) Where a breach of this Bylaw 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 is appropriate under the circumstances.

ADMINISTRATIVE TICKETING:

- 98) In lieu of prosecution under this Bylaw the Town or its designated agent may issue to any person it believes, upon reasonable grounds, has committed an offence under this Bylaw 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.
- 99) Any person who receives a Notice of Alleged Violation in relation to this Bylaw and where the said Notice so provides, may pay a penalty in the amount of One Hundred Dollars (\$100.00) 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 payment shall be in full satisfaction thereby releasing the person named from prosecution for the said alleged violation.
- 100) Nothing in this Bylaw requires the Town to issue a Notice of Alleged Violation in lieu of initiating a prosecution in relation to an alleged violation.

MEASUREMENTS

- 101) All measurements in this Bylaw are given in metric, which shall govern for the purposes of interpretation and enforcement of this Bylaw. Imperial measurements are included in parentheses for ease of reference only, and in some instances are only approximate.

REPEAL:

- 102) The existing Solid Waste Collection Bylaw# 38, of the Town of Lunenburg (and all amendments thereto) are hereby repealed.

Clerk’s Annotation for Official Bylaw Book regarding Bylaw #38
A By-law Respecting Solid Waste in The Town of Lunenburg

Date of first reading: September 8, 2020

Date of advertisement of notice of intent to consider: October 6 and 13, 2020

Date of second/final reading: November 24, 2020

Date of advertisement of passage of Bylaw: December 9, 2020

Date of mailing to Provincial Minister a certified copy of the By-Law: December 10, 2020

I certify that the aforementioned amendment to By-Law #38, A Bylaw respecting Solid Waste in the Town of Lunenburg, was adopted by Council and published as indicated above.

Date

Bea Renton, CAO/Clerk

SCHEDULE A
Town of Lunenburg Additional
Non-Transparent Bag Application

Residents may apply for additional Non-Transparent bag(s) for wastes generated due to medical or health-related issues. Non-Transparent bag(s) used for this type of waste disposal should be opaque (black or dark green) plastic bags. Approved applicants will be permitted to place additional Non-Transparent bag(s) out for collection on their collection day. Additional Non-Transparent bag(s) must be approved before placing them at the curb for collection. A Privacy Bag application must be completed every two years for continued use of additional Non-Transparent bags.

Please provide the following information:

Resident Name: _____ Resident Phone Number: _____

Resident's e-mail address: _____

Types of wastes to be placed in Non-Transparent bags(s): _____

Number of additional Non-Transparent bag(s) being requested: _____

Resident's Civic Address: _____

Are you the property owner? Yes No

If you are not the owner, please provide the following information:

Property Owner's Name _____

Property Owner's Phone Number: _____

Property Owner's e-mail address: _____

Date of Application: _____

Please return the completed form in one of the following ways:

By mail: Town of Lunenburg, PO Box 129, Lunenburg, Nova Scotia, BOJ 2C0,
Attention: Town Engineer, 902 634 8992.

(See: next page for additional information)

Please note of the following:

All wastes including organics, recyclables, garbage, paper and cardboard must be sorted correctly in accordance with the Town's Solid Waste Bylaw even if have been approved for additional Non-Transparent bag(s).

Garbage bags (clear or opaque) cannot contain:

- Saturated, blood-soaked gauze and dressings (excess blood must be squeezed from dressings into toilet/sink, once squeezed, dressings are placed a garbage bag)
- Fluid-filled or blood-filled medical tubing or dialysis tubing (fluids must be emptied into toilet/sink, once emptied, tubing is placed in a garbage bag)
- Sharps, needles and lancets for blood testing (return to pharmacy for disposal)
- All unused medications (return to pharmacy for disposal)

Hazardous wastes must be taken to the Household Hazardous Waste Facility at Kaizer Meadow Environmental Management Centre which is located at 450 Kaizer Meadow Road, Chester, Nova Scotia, as such wastes cannot be collected with regular garbage.

Note: Non-Transparent bag(s) are subject to inspection by the collection contractor or curbside waste inspector.

SCHEDULE B

TOWN OF LUNENBURG

MIXED WASTE BAG APPLICATION – PUBLIC WASTE ON BUSINESS PROPERTY

[Businesses may apply to the Town Engineer for approval to place mixed waste opaque (black or dark green) plastic bags out for collection where the business has a public waste container on its property for mixed waste brought onto the premises by customers (and not generated on the premises). **The use of mixed waste bags must be approved by the Town Engineer before placing them at the curb for collection.** A mixed waste bag application must be completed every two years for continued use of mixed waste bags.]

Please provide the following information:

Business Name: _____ Business Phone Number _____

Business e-mail Address: _____

Types of wastes to be place in mixed waste bag(s):

Location of Container receiving public waste: _____

Number of Mixed Waste bag(s) being requested: _____

Business Civic Address: _____

Are you the property owner? [] Yes [] No

If you are not the owner, please provide the following information:

Property Owner's Name: _____

Property Owner's Phone Number: _____

Property Owner's e-mail address: _____

Name of occupant of premises: _____

Name of Applicant (owner and/or occupant) _____

Date of Application: _____

Please return the completed form in one of the following ways:

By mail: Town of Lunenburg, PO Box 129, Lunenburg, Nova Scotia, B0J 2C0, Attention: Town Engineer.

Please note the following: Waste which is prohibited pursuant to the Bylaw may not be placed in a mixed waste bag(s).