

**SOLID WASTE-RESOURCE MANAGEMENT
BY-LAW NO. 2020-01**

A Bylaw to Regulate Solid Waste Resource Collection and Disposal Thereof

WHEREAS under Section 325 of the Municipal Government Act (1998), Council may make by-laws respecting solid waste disposal.

AND WHEREAS under Section 172 (1) (L) of the Municipal Government Act (1998), Council may make bylaws respecting the enforcement of by-laws under the authority of a statute.

NOW THEREFORE, the Council of the Municipality of the Town of Digby in open meeting assembled, enacts as follows:

Title

This By-Law may be cited for all purposes as the “Solid Waste Resource Collection and Disposal By-Law”

1. Definitions:

In this By-Law:

- A. **“Administrator”** means the person appointed by the Chief Administrative Officer of the Town of Digby to administer this By-Law, or their designate;
- B. **“adverse effect”** means an effect that impairs or damages the environment, the health of humans or the reasonable enjoyment of life or property;
- C. **“Authority”** means Western Region Solid Waste Resource Management Authority, also known as Waste Check.
- D. **“asbestos”** means asbestos waste as defined in the Asbestos Waste Management Regulations made under the Nova Scotia Environment Act, S.N.S. 1994-95, c.1, as amended;
- E. **“backyard composting”** means the composting at a residential property of organic solid waste, comprised of leaf and yard waste and food, but excluding meat, fish, eggs or dairy products, where:

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- i. the waste is generated by the residents of the property or neighbouring properties or both; and
 - ii. the annual production of compost on any property lot does not exceed [10] cubic metres.
- F. **“beverage”** means any liquid that is a ready to serve drink, but does not include milk, milk products, soya milk or concentrates as defined by the Nova Scotia Beverage program;
- G. **“beverage container”** means a container of [5] litres or less which contains or has contained a non-liquor beverage and was sealed by the manufacturer after the beverage was placed in it;
- H. **“box board”** means cereal boxes, shoe boxes, tissue boxes, detergent boxes, cracker boxes, cookie boxes, baking product boxes and frozen food boxes or other similar items, toilet paper rolls and paper towel rolls or other similar items;
- I. **“bulky items”** means large items of a household nature including but not limited to furniture, stoves, refrigerators, dishwashers, mattresses, bed springs, empty hot water and oil tanks (cut in half), toys, bicycles and lawn furniture.
- J. **“Business”** means any person, organization, or group engaged in a trade, business, profession, occupation, calling, employment or purpose and, for the purposes of section Q, includes a person employed by, or operating on behalf of, a Business.
- K. **“chlorofluorocarbons”** means an ozone depleting substance that is required under the Ozone Layer Depletion Regulations of the Province of Nova Scotia to be removed in a controlled fashion to prevent its release into the environment, and is a substance found in refrigeration and cooling units;
- L. **“clean wood”** means wood materials that are not contaminated with other non-wood materials (including paints, stains or adhesives), such as are dimensional lumber, wooden chairs, fencing, etc.
- M. **“collector”** means an individual or company that collects and disposes of residual garbage, recyclables or compostable material or combination thereof to designated municipal solid waste management facilities;
- N. **“Collection contractors”** means a collector that is under contract with the Municipality to provide curbside collection services.
- O. **“commercial container”** means any container used for the storage of solid waste materials on IC&I sector and multi- unit residential properties for collection of solid waste.

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- P. **“compostable material”** or “compostable organics,” or “organics” means food scraps and spoiled or waste food or foodstuff including vegetable peelings, meat, fish, eggs, bones, waste food products, soiled and wet and soiled paper products such as table napkins, paper towels, pizza boxes, leaves and grass clippings, branches and bushes that are [1.2] metres or less in length and [2] centimeters or less in diameter, together with such other compostable materials as may be identified in public education documents distributed by the Municipality and/or Authority from time to time; and
- Q. **“composting”** means the biological decomposition of organic materials, substances or objects under controlled circumstances to a condition sufficiently stable for nuisance-free storage and for safe use in land applications as identified by the Nova Scotia Environment’s Solid Waste Management Resource Regulations;
- R. **“Compostable Product”** means any non-food product made or described as being biodegradable or compostable or other similar description.
- S. **“construction and demolition debris” (C&D)** 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, drywall, plaster, cellulose, fiberglass fibers, gyproc, lumber, wood, asphalt shingles, and metals and such other materials as may be permitted by applicable laws;
- T. **“contaminant”** means a substance that causes or may cause an adverse effect;
- U. **“contaminated soil”** means any soil which has been exposed to an organic or inorganic contaminant in excess of standards prescribed or adopted by the Minister, and that has caused, is causing, or may cause an adverse effect;
- V. **“Council”** means the Council for the Municipality of the Town of Digby;
- W. **“curb”** means the [3] metre (10ft) distance from the edge of the travelled portion of a public street, road, or private road that meets the approval of the Municipality for solid waste collection, but it does not include the ditch;
- X. **“Dwelling”** or **“Dwelling Unit”** means a self-contained portion of a building occupied as a separate residence.
- Y. **“hazardous waste”** means waste that may be harmful to humans, animals, plant life or natural resources, including but not restricted to, industrial chemicals, explosive, toxic, flammable, corrosive, radioactive, reactive, pathological and PCB waste, oil, gasoline, paint solvent, wood preservatives, ink, battery acid, pesticides and insecticides or any substance or material declared or defined to be a hazardous or toxic substance in or pursuant to any applicable law;

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- Z. **“household hazardous waste”** means waste of a potentially hazardous nature typically generated in residential households including but not restricted to, solvents, glues, cleaners, paints and finishes, asphalt sealers, gasoline, diesel, kerosene, pesticides, lawn and garden chemicals, poisons, propane tanks, roofing tar, pool chemicals, lubricating oil, batteries, and automotive fluids, but does not include PCB waste, radioactive materials, explosives, fireworks, pathological wastes, or ammunition;
- AA. **“hospital and pharmaceutical waste”** means waste generated at hospitals, clinics, pharmacies, veterinary clinics, dentist offices and includes, but not limited to used needles, drugs, dressings, excluding pathological waste;
- BB. **“industrial waste”** means residual waste typically generated in the industrial, commercial and institutional sector;
- CC. **“industrial/commercial/institutional sector”** or **“IC&I sector”** means one or more industrial, commercial or institutional establishments.
- DD. **“industrial/commercial/institutional waste”** or **“IC&I waste”** means waste-resource generated in the IC&I sector.
- EE. **“land”** means surface land, land covered by water, subsoil, matter beneath the subsoil or any combination or part thereof;
- FF. **“leaf and yard waste”** means vegetative matter resulting from gardening, horticulture, landscaping or land clearing operations, including materials such as tree and shrub trimmings, plant remains, grass clippings, leaves, trees and stumps, but excludes construction and demolition debris or contaminated soil or any other organic material that has been contaminated;
- GG. **“litter”** means any material left or abandoned in a place other than a container or place intended or approved for receiving such material, including material that may, intentionally or unintentionally, exit from a moving or stationary vehicle;
- HH. **“Minister”** means the Minister of Environment for the Province of Nova Scotia;
- II. **“Multi-Unit dwelling”** means a residence that contains more than one dwelling unit (ie apartment buildings, etc.).
- JJ. **“Municipality”** means the Municipality of the Town of Digby
- KK. **“Municipal collection”** means the action by the Municipality or its collector for residential solid waste of picking up source-separated waste resources and other solid waste at the curb or premises, loading it into trucks, and delivering it to the designated municipal solid waste management facility.

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- LL. **“municipal solid waste management facility”** or **“municipal resource management facility”** means a site identified by the Municipality for receiving, storing, sorting, processing, transfer, or disposal of designated solid waste;
- MM. **“organics cart”** or **“Green Cart”** means a wheeled cart designed to be emptied by hydraulic lifting devices and approved by the Municipality for the storage and municipal collection of compostable materials;
- NN. **“pathological waste”** means any part of the human body excepting hair, nail clippings and the like, any part of a dead animal infected with a communicable disease, and non-anatomical waste infected with a communicable disease;
- OO. **“Permanent waste-resource storage container”** means any container used for the storage of waste at roadside. It must be accessible to the collection contractors, and must be weather-tight, animal proof, and constructed such that waste-resources remain in a source separated condition.
- PP. **“Private Waste Resource Management Facilities”** means any facility privately owned and operated for the receiving, storing, sorting, shipping and/or disposal of solid waste as permitted by Nova Scotia Environment.
- QQ. **“public education documents”** includes newspaper, radio and local television advertisements, information posted to the Municipality’s and/or Authority’s website, and newsletters, pamphlets, flyers or other material circulated electronically or by ordinary mail or delivery by or for the Municipality and/or the Authority or the Minister;
- RR. **“recyclable container materials”** means redeemable beverage containers, steel, tin or aluminum food containers or cans, glass food containers, jars and bottles, low density polyethylene bags and packaging, high density bags, containers and packaging, polycoat containers for milk, milk products, soya milk, concentrates or other liquids or powders, tetra packs together with such other plastic recyclable materials as may be identified in public education documents distributed by the Municipality and the Authority from time to time;
- SS. **“recyclable paper materials”** means corrugated cardboard, egg cartons, box board, newsprint, bond paper, computer paper, glossy flyers and magazines, together with such other paper recyclable materials as may be identified in public education documents distributed by the Municipality and the Authority from time to time;
- TT. **“recyclable material”** means recyclable paper materials or recyclable container materials as defined in this By-Law;

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- UU. **“redeemable beverage container”** means a beverage container for which a consumer was required to pay a deposit;
- VV. **“residual garbage”** means waste other than:
- I. recyclable material;
 - II. compostable materials;
 - III. leaf and yard waste; and
 - IV. any other waste that is prohibited from disposal by way of municipal collection or at a municipal solid waste management facility designated for residual garbage by this By-law or by the Minister;
- WW. **“sharp”** means needles, syringes, lancets, auto injectors and infusion sets;
- XX. **“soiled and non-recyclable paper”** means dinner napkins, paper towels, wax paper, wrapping paper, soiled pizza boxes, paper plates, damp and soiled newspaper and flyers, sugar, flour, & potato paper bags or other similar items.
- YY. **“solid waste”** means residual garbage, recyclable material and compostable material, as well as any other type of waste defined in this By-law and specifically referred to in this By-law as permitted or prohibited for disposal at a municipal solid waste management facility;
- ZZ. **“source separated waste-resources”** means waste resources which have been separated **“at source”** i.e. at the point of generation into the four waste separation streams to facilitate their reuse, recycling, composting or disposal:
- I. Recyclable paper materials
 - II. Recyclable container materials
 - III. Compostable materials
 - IV. Residual
- AAA. **“tires”** means tires that are not designated under the Province of Nova Scotia’s tire recycling program.
- BBB. **“waste”** means any substance that would cause or tend to cause an adverse effect if added to the environment, and includes garbage, recyclables, compostable material, refuse, sludge, rubbish, tailings, debris, litter and other discarded materials resulting from residential, commercial, institutional and industrial activities which are commonly accepted at a municipal solid waste resource management facilities, but excludes wastes from industrial activities which are regulated by an approval issued by the Minister;

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- CCC. **“waste diversion”** means waste reduction, reuse, recycling or composting with the intent of extending the useful life of materials and preventing their disposal in landfill;
- DDD. **“waste-resources”** means all those materials managed by or on behalf of the Municipality as recyclable, compostable, household hazardous waste, or residual waste.
- EEE. **“Western Region” or Region** means the Western Region Solid Waste Resource Management Region as defined in the Nova Scotia Solid Waste Resource Management Regulations.
- FFF. **“Yard waste”** means grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs that come from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands. Yard waste does not include:
- I. construction, renovation, and demolition wastes or
 - II. clean wood.

2. Administration and Enforcement

- I. The Chief Administrative Officer shall appoint an Administrator to administer this bylaw.
- II. The By-law Enforcement Officer(s) appointed by the Municipality shall enforce this bylaw.
- III. For the purpose of the administration of this bylaw the Administrator, Bylaw Enforcement Officer(s), or an agent or employee of the Municipality may at any reasonable time enter and inspect any land or premises, other than a dwelling or a room being used as a dwelling to determine compliance with this bylaw and policies made under this bylaw, including the right to inspect waste, residual waste and any storage facility.
- IV. The Administrator or the Bylaw Enforcement Officer(s) may, by a directive in writing direct any person to do any act or thing in order to comply with the provisions of this bylaw or any policy made pursuant to this bylaw in the manner and within the time specified in the written directive.
- V. Any written directive signed by the Administrator or Bylaw Enforcement Officer(s), is effective if delivered personally to the person named in such directive or if sent by prepaid post or facsimile or e-mail transmission to the most recent known address of the person named and shall be deemed to have been received by such person, in the case of facsimile or e-mail transmission on the day after it was sent and in the case of prepaid post, on the third day after it was sent unless receipt of same is acknowledged.
- VI. It shall be an offence for any person to fail or refuse to comply with a written directive signed by either the Administrator or Bylaw Enforcement Officer pursuant to this bylaw.

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3. Disposal of Solid Waste

- I. Every person shall dispose of solid waste in accordance with this By-law.

A. Material Banned From Disposal by Provincial Legislation

1. No person shall dispose of or cause the disposal of the following materials at any approved solid waste-resource management facility, or deposit any such materials in a storage area, storage container, or collection container, intended for residual waste disposal in any landfill or incinerator:
 - a. Redeemable beverage containers
 - b. Newsprint
 - c. Used tires (except as excluded from the Provincial tire program)
 - d. Corrugated cardboard
 - e. Waste paint
 - f. Steel/tin food containers
 - g. 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 cleaners containers (not including pesticide and petroleum containers)
 - h. Low-Density-Polyethylene (LDPE#4) industrial, commercial, institutional stretch wrap (pallet wrap)
 - i. Compostable organics
 - j. any other materials which may be added to this list from time to time by the Province of Nova Scotia

B. Material Banned From Disposal by the Authority

- I. 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 Authority. Posting of a list of such banned material shall constitute due and sufficient notice of the Authority's order for all purposes.

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C. Flow Control

- I. No person shall export or remove residual waste, construction and demolition waste, or unsorted solid waste generated within the Municipality outside the boundaries of the Western Region.
- II. Notwithstanding subsection (I) the Municipality may export residual waste, construction and demolition or unsorted solid waste to approved facilities outside the boundaries of the Western Region.

D. No Illegal Dumping

- I. Except for the placement of solid waste for collection in accordance with this By-Law, no person shall deposit, cause to be deposited or permit to be deposited solid waste at any place in the Municipality other than at an approved solid waste management facility designated for the applicable type of solid waste, or at any other site authorized by the Municipality or approved for the purpose by the Minister.
- II. No person shall place solid waste for collection on a property other than a property owned or occupied by that person or in respect of which the person has obtained the consent of the owner or occupier for that purpose.
- III. Notwithstanding subsection (I) the following depositing activities are permissible:
 1. backyard composting, provided that:
 - a. the composting container or pile is not located within 10 metres of any window or door of a structure on an adjacent property; and
 - b. the activity is carried out in such manner as not to constitute a nuisance.
 2. the concentrated disposal of trees, brush or portions thereof or other farm or forestry waste by decay on forest or farm land, provided this activity is carried out in compliance with all applicable laws of the Province of Nova Scotia; and
 3. the nuisance-free disposal of aggregate, soil, bricks, mortar, concrete, asphalt pavement, porcelain or ceramic materials as

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clean fill, provided this activity is carried out in compliance with all applicable laws of the Province of Nova Scotia.

E. No Salvaging

- I. No person shall pick up, remove, disturb or otherwise interfere with solid waste placed at the curb for collection by the Municipality [or by a collector], except as authorized by the Municipality.

F. Ownership of Solid Waste

- I. Solid waste placed at the curb for municipal collections, is the property of the property owner until the collector places the solid waste in the collection vehicle.

G. No Solid Waste Burning

No person shall burn solid waste in a barrel, stove or other device or in the open as a method of waste disposal.

H. Litter Abatement

- I. No person shall release or cause litter to be released into the environment, except in accordance with this By-law.

I. Disposal at Municipal Solid Waste Management Facilities

- I. No person shall place, cause to be placed or permit to be placed at, in or on a municipal solid waste management facility any material or quantity of material in contravention of:
 1. this By-Law or any policy of the Municipality or Authority concerning the use of a municipal solid waste management facility, including but not restricted to waste diversion policies requiring the diversion of particular types or quantities of solid waste from particular types of municipal solid waste management facility;
 2. the direction of the operator or staff of a municipal solid waste management facility with respect to the type, method, volume, weighing, measuring, time, location or any other conditions for the placement of solid waste; and
 3. any federal or provincial law, including any law requiring the diversion of particular types or quantities of solid waste from particular types of solid waste management facilities.
- II. No person shall place, cause to be placed or permit to be placed any solid waste at or adjacent to a municipal solid waste management facility when the facility is not open or when the operator or staff of the

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municipal solid waste management facility refuses to accept any loads or items of solid waste.

- III. The operator or staff at a municipal solid waste management facility may refuse solid waste under the following circumstances:
1. where the municipal solid waste management facility is not designated for the type of solid waste a person is attempting to place;
 2. where a requisite tipping fee has not been paid;
 3. where the source of the solid waste is not identified;
 4. where the source of the solid waste is outside the boundaries of the Municipality;
 5. where the facility is unable to weigh, measure or process the solid waste for any reason, including but not restricted to excessive inventory of solid waste or shortage of space, mechanical or electrical break down or labour dispute; or
 6. where the operations of the solid waste management facility would be compromised by the placement of the solid waste; or
 7. where the solid waste would be placed in contravention of this By-Law, any law of the Province of Nova Scotia and of the Government of Canada.
- IV. No person shall place, cause to be placed or permit to be placed in a municipal solid waste management facility any solid waste:
1. that is not separated as required by this By-Law,
 2. that is falsely or misleadingly presented or packaged as solid waste of a particular origin, or
 3. that is concealed within or inter-mingled with solid waste of another kind, type, stream or place of origin.
 4. For greater certainty, solid waste that is
 - a. not permitted to be placed for collection or to be delivered to a municipal solid waste management facility pursuant to this By-law, or

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- b. generated outside the Municipality may not be disposed of at a municipal solid waste management facility except where the Municipality or the operator of a municipal solid waste management facility has given a person written approval to do so in advance.

J. No accumulation of Solid Waste

- I. No owner or occupant of a property in the Municipality shall permit the accumulation of solid waste in or around the property to the extent that it is or is likely to become a nuisance or cause an adverse effect.
- II. Where an owner or occupant permits the accumulation of solid waste contrary to subsection (I), the Administrator may enter the property to collect and dispose of the accumulated solid waste, the expense of which will be charged to the owner or occupant who has contravened subsection (I.).
- III. For greater clarity, the Administrator may enter the property to collect and dispose of any uncollected solid waste scattered by animals, pests or weather that an owner or occupant fails to remove pursuant to section 3(N),(I),(5) of this By-law, the expense of which will be charged to the owner or occupant.

K. Municipal Collection

- I. Owners and occupants of residential property in the Municipality are subject to municipal collection and shall ensure that all solid waste is properly stored and placed for collection and disposal.
- II. Council may provide for general municipal collection of solid waste by its own employees or by a contractor in some or all areas of the Municipality.
- III. Without limiting the generality of subsection (I), Council may, at its discretion, use different classifications for municipal collection of solid waste, including different classifications of collection services and different classifications of waste generators.
- IV. Without limiting the generality of subsections (I) & (II), Council may, at its discretion, limit collection to:
 1. particular types of solid waste;
 2. properties containing not more than a specified number of residential households;
 3. properties which are seasonal; and

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4. properties generating industrial waste of a particular type or size or generating not more than a specified volume of solid waste.
- V. Owners and occupants of every property in the IC&I Sector in the Municipality is not subject to municipal collection is responsible for providing for the lawful collection and disposal of all solid waste in accordance with this By-law, and for paying any associated collection, disposal or tipping fees.
- VI. For greater certainty, owners and occupiers of every property in the Municipality that is not subject to municipal collection are responsible for separating solid waste in accordance with this By-law.
- VII. The Municipality may contract with owners and occupiers whose properties are ineligible for municipal collection pursuant to this By-Law, to provide collection of their solid waste.
- VIII. The limitations and restrictions in this By-law applicable to general municipal collection shall apply to the owners and occupiers in subsection (I), except to the extent that those limitations or restrictions are expressly varied in any contract reached between the Municipality and the owner or occupier pursuant to subsection (I).
- IX. The Municipality shall offer curbside collection of certain solid waste, as follows:
 1. Municipal collection for residential residual garbage and blue bag recyclables shall be at least once in every fourteen (14) days between the hours of 7:00 a.m. and 4:00 p.m.;
 2. Municipal collection of compostable materials (organics) shall be at least once in every fourteen (14) days except during the period of June 1st – September 30th where Municipal collection of compostable materials (organics) shall be weekly between the hours of 7:00 a.m. and 4:00 p.m.;
 3. When a public or statutory holiday occurs on a municipal collection day, such municipal collections shall be made on the following working day, unless otherwise specified by the administrator.
 4. Municipal collection of bulky items and appliances shall be on the residential residual garbage and bluebag recyclables collection day but shall be limited to one (1) bulky item per collection day.

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5. Municipal collection of brush and branches such as tree branches, brush, or excess leaves and yard waste can be placed alongside of your green cart. All accumulated leaf waste, not placed directly in green-carts, shall be placed in paper leaf & yard waste collection bags. The use of plastic leaf and yard bags or biodegradable (compostable) plastic bags is prohibited. Brush and small limbs to be bundled and tied as follows:
 - i. Large limbs / trunks not to exceed 3" [8cm] in diameter and 10 feet [3 meters] in length, with no individual piece to exceed 50 lbs. [22 kgs.],
 - ii. Christmas trees which may also be placed at curbside during normal organics collection days and must be cleared of all decorations including tinsel.
 - iii. Piles of Brush and Small Limbs placed for collection shall not exceed 4' [1.22 meters] wide 2' feet [.61 meters] high and 10 feet [3 meters] in length.
6. Yard waste generated by contracted third parties or commercial tree removal services will not be collected by the town. It is the property owner's responsibility to see that leaf and yard waste generated in this manner is disposed of in the appropriate manner.
7. All solid waste and yard waste generated from a residential property shall be collected at that property. Solid waste and yard waste originating at one property shall not be placed at another property in the Municipality for collection.
- 8.
9. For the purposes of this section, a schedule of dates for municipal collection shall be distributed to residents annually prior to the end of December for the coming year. Any changes to the schedule shall be advertised in the local paper or on the local radio station.

L. Special Collections

- I. Council may, at its discretion,
 1. provide for special municipal solid waste collections on an occasional basis, or
 2. provide for municipal collection from a drop-off site of particular types of solid waste, such as discarded Christmas trees, bulky

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items not eligible for regular municipal collection, leaf and yard waste, household hazardous waste or other specified solid waste.

- II. When providing for special collections pursuant to subsection (I), Council may limit such special collection to:
 1. particular areas of the Municipality,
 2. properties containing not more than a specified number of residential households, or
 3. properties generating industrial waste of a particular type or size or generating not more than a specified volume of solid waste.

M. Separation and Storage

- I. Owners and occupants of every property in the Municipality shall separate solid waste at the time and place of generation into the following streams:

1. compostable material;
2. recyclable container materials;
3. recyclable paper materials;
4. residual garbage;
5. construction and demolition debris;
6. contaminated soil;
7. asbestos;
8. solid waste of any type which is not acceptable for municipal collection or accepted at a municipal solid waste management facility, each such type separated in its own stream; and
9. solid waste of any type which is only accepted on the occasion of special collections, or by contract or by express approval in advance of the operator of a municipal solid waste management facility, each such type separated in its own stream;

- II. Owners and occupants of every property in the Municipality shall take positive steps to ensure that all solid waste separated in accordance with subsection (I) remains separated and uncontaminated by any other type of solid waste.

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- III. For greater certainty, the obligations to separate and maintain separation of solid waste in subsections (I) & (II) extend to owners, management and staff of restaurants, stores, parks, campgrounds, on public streets and other establishments serving the public, which must also provide containers to facilitate separation and non-contamination of solid waste streams by owners, management, staff and clientele as appropriate for the type of establishment.
- IV. Subject to subsection (i), residual garbage may include compostable or recyclable materials to the extent that separation of compostable and recyclable material was not reasonably possible because of:
1. the fusing or bonding together of materials in the state in which the waste was received, or
 2. the reasonable cross-contamination of materials in the ordinary course of use, if such contamination is unavoidable even by the exercise of due diligence.
- V. Owners and occupants of every property in the Municipality shall provide sufficient and adequate space and containers for the storage, collection and disposal of any solid waste which may accumulate from time to time on the property.
- VI. Without limiting the generality of subsection (v), owners and occupants of every property in the Municipality shall provide space and containers in accordance with the following provisions:
1. compostable material shall be stored in organics carts or in other containers that are water-proof, impervious to domestic and wild animals and rodents and designed to avoid the entrapment of children, and such organics cart or container shall be placed or kept as far as possible from any window or door situated on an abutting or adjacent property, but preferably at a distance of at least [10] metres; and
 2. recyclable materials and residual garbage shall be stored inside buildings or in containers that are water-proof, impervious to domestic and wild animals and rodents and designed to avoid the entrapment of children.
- VII. Owners and occupants of every property in the Municipality which is eligible for municipal collection of solid waste are responsible for keeping all containers in a clean and useable state and to ensure that they are maintained so as to not become a nuisance.

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- VIII. Commercial containers used by the IC&I sector and multi-unit residential units for the collection or storage of solid waste :
1. shall be sturdily constructed, water-proof and impervious to domestic and wild animals and rodents;
 2. shall be designed to avoid the entrapment of children;
 3. shall be accessible to the occupants and safe for its intended users
 4. shall 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;
 5. shall be kept clean and in a good state of repair;
 6. shall not be loaded in a manner which permits waste to extend beyond the internal volume of the container when the lid is closed;
 7. shall be labeled for the purpose of identifying what materials the container contains;
 8. shall have sufficient space or sectioning to store solid waste separated in accordance with the provisions of this By-law in such a manner that can ensure that separated solid waste remains separated and uncontaminated by other types of solid waste.
 9. Shall be assessable within five (5) meters of the collection vehicle loading hopper
- ix. Owners or occupants of premises serviced by a bulk commercial container shall:
1. keep the area surrounding the container free from any type of waste; and
 2. provide instruction to any tenants, visitors or employees to ensure proper disposal and separation and disposal.
10. Any solid waste that is a bulky item that has a door, lid or other apparatus that enables the bulky item to be closed, including but not limited to refrigerators and freezers, shall either be stored inside an enclosed, locked

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or child-proof building or shall have their door, lid or other closing apparatus removed from the bulky item.

11. Where a person wishes to dispose of solid waste containing chlorofluorocarbons, that person must:
 1. safely deliver the solid waste to the Municipality's facility designated to deal with chlorofluorocarbons to have the chlorofluorocarbons removed by a certified technician, or
 2. arrange to have the chlorofluorocarbons removed by a certified technician and accordingly labelled by the certified technician in accordance with the Ozone Layer Protection Regulations of the Nova Scotia Environment Act, and safely deliver that solid waste to the Municipality's facility designated to deal with chlorofluorocarbons.

N. Rules for Municipal Collection

1. Except as authorized by the Municipality from time to time, including but not restricted to public education documents published in connection with special collection days, persons placing solid waste for municipal collection shall comply with the following:
 1. solid waste shall be placed for collection on the curb directly in front of the property that is the source of the solid waste, and shall be placed in such a manner as to interfere as little as possible with pedestrian traffic and snow removal, the distance shall not exceed 3 meters from the edge of the travelled portion of the roadway;
 2. solid waste shall be placed for collection by [7:00 a.m.] on the day of collection; but will be restricted to any combination of bags not to exceed ten (10) in numbers, per dwelling unit.
 3. solid waste shall not be placed for collection more than 1 day before the collection date for that property and for the appropriate type or stream of solid waste;
 4. Notwithstanding subsection (1), (2), and (3) during special collections, materials for roadside collection shall be set out no earlier than seven (7) days prior to a special collection
 5. uncollected solid waste and any solid waste scattered by animals, pests or weather shall be removed by the owner or occupant of the property from which that solid waste was placed for

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collection not later than [9:00 p.m.] on the collection date for that property;

6. Residual waste collection containers and organic collection carts shall be removed from the roadside by the end of collection day, except in the case of permanent waste-resource storage containers. Permanent waste-resource storage containers shall comply with this bylaw. Organics collection carts shall be removed from roadside and stored on premises. The cart shall be secured to prevent it from being blown into the roadway.
7. residual garbage shall be placed for collection in securely tied, clear, transparent, plastic, water-proof bags and shall not exceed a weight of [25 kilograms] per bag
8. residual garbage must be placed in transparent bags as required by subsection (i)(7), except that [1] bag of residual garbage per collection may be placed in a bag that is non-transparent, in which residual garbage of a private or personal nature may be placed. The Municipality reserves the right to grant written variances to this limit in accordance to the Variance Policy approved by the Board of Waste Check;
9. recyclable materials shall be placed for collection in securely tied, blue-tinted, plastic, water-proof bags with separate blue bags for recyclable paper materials and recyclable container materials and shall not exceed a weight of [15] kilograms per bag. In the case of corrugated cardboard, bundles or packages, flattened and securely tied weighing no more than 20kg and measuring no more than 60 cm by 60 cm;
10. residual garbage and recyclable material may be placed for collection in waste collection boxes located on the curb, provided that:
 - a. all residual garbage and recyclable material are properly bagged as required by this By-law;
 - b. the box is impervious to domestic and wild animals, rodents, Insects, and is designed to avoid the entrapment of children; and
 - c. the box has a securely hinged lid or lids;

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- d. the box has a support to hold the lid open while the contents are being emptied;
- e. the box is not buried by snow and ice to the extent that it cannot be collected in a safe manner by the collector;
- f. the solid waste is placed within the box in accordance with all other requirements of this section, including separation of solid waste streams and placement in specified bags;
- g. compostable material and organics shall be placed for collection in organics carts containing a load weight of no more than 100 kg.
- h. Municipal collection of brush and branches such as tree branches, brush, or excess leaves and yard waste can be placed alongside of your green cart. All accumulated leaf waste, not placed directly in green-carts, shall be placed in paper leaf & yard waste collection bags. The use of plastic leaf and yard bags or biodegradable (compostable) plastic bags is prohibited.
- i. Collection of brush, bushes, and small tree limbs will be picked up in as per the Residential Leaf & Yard Waste Collection Policy as may be amended by Council from time to time. Brush and small limbs to be bundled and tied as follows:
 - 1. Large limbs / trunks not to exceed 3" [8cm] in diameter and 10 feet [3 meters] in length, with no individual piece to exceed 50 lbs. [22 kgs.],
 - 2. Christmas trees which may also be placed at curbside during normal organics collection days and must be cleared of all decorations including tinsel.
 - 3. Piles of Brush and Small Limbs placed for collection shall not exceed 4' [1.22 meters] wide 2' feet [.61 meters] high and 10 feet [3 meters] in length.
 - 4. All accumulated leaf waste, not placed directly in green-carts, shall be placed in paper leaf & yard waste collection bags up to a limit of twenty (20) Bags The use of plastic leaf and yard bags or biodegradable (compostable) plastic bags is

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prohibited.

- j.
- k. bulky items placed for collection as authorized for municipal collection by the Municipality shall not exceed [25] kilograms in weight for any one bundle or container and not exceed [1] cubic metre in size, with the exception of furniture or appliance items, and shall not exceed [325] kilograms for all bulky items for any one residential unit;
- l. when bulky items are authorized for municipal collection by the Municipality, no more than one bulky item is permitted per collection; and
- m. when Christmas tree waste is authorized for municipal collection by the Municipality, it shall not have any decorations, ornaments, stands, plastic bags, wires or nails attached and shall not exceed [3] metres in length.

11. Persons may only place solid waste for collection on the curb directly in front of the property that generated the solid waste. Where possible and unless otherwise directed by the Municipal Unit.

12. In the case of multi-unit apartment buildings, the owner shall provide a storage enclosure for source separated waste resources in an easily accessible location on the building's property meeting applicable municipal requirements. The Municipality's collector will collect waste resources providing it is accessible when the truck arrives. If the storage enclosure is not accessible to the collection truck, all materials shall be placed at road side for collection.

13. Collection will only take place on public streets and roads or private roads that are maintained by Nova Scotia Transportation and Infrastructure Renewal (NSTIR), or the Municipality. For all other roads the source separated waste resources must be brought to the nearest intersection with a public street or road and placed in accordance to this bylaw for collection, or to a drop off depot provided by the Municipality.

O. Solid Waste Not Permitted for Municipal Collection

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- I. Except where authorized by the Municipality, no person shall place for collection:
 1. hazardous waste;
 2. sharps;
 3. pathological waste;
 4. hospital and pharmaceutical waste;
 5. asbestos;
 6. septic waste;
 7. hot ashes;
 8. dead animal carcasses larger than 10 kg;
 9. industrial waste, including non-residential, farm, forestry or fishing waste;
 10. materials that are prohibited from disposal by municipal collection by the laws of the Province of Nova Scotia;
 11. solid waste generated outside the Town of Digby;
 12. construction and demolition debris that exceeds the dimensions or weight allowable for bulky item collection by the provisions of this By-law; and
 13. other materials or solid waste as may be identified as unacceptable for municipal collection by the Town of Digby, including but not restricted to identification in public education documents distributed by the Town of Digby from time to time.

P. Inspection and Rejection Guidelines

- I. Waste-resources set out for collection shall be subject to inspection by the collection contractor or by the Administrator, By-law Enforcement Officer(s) or an agent, or employee of the Municipality. Waste-resources

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found not to be source-separated according to this By-law may be rejected and not collected.

- II. All loads of Waste-resources entering a Municipal Solid Waste Management Facility are subject to inspection and enforcement action by the facility operator/staff, the Administrator, and /or By-law Enforcement Officer(s) to ensure compliance with this By-law.

Q. Prohibition on Sale of Plastic compostable Products

- I. No business shall offer for sale or otherwise provide to any customer of the business a plastic compostable product without first obtaining a permit from the Municipality to do so.
- II. The Municipality shall issue a permit for the sale of a compostable product only if the Municipality is satisfied that the compostable product is an organic and acceptable to the Municipality in a green cart.
- III. Any business that contravenes this bylaw is guilty of an offence.

4. Owner and Occupant Responsibilities for Waste Resource Management

- I. The responsibility for the management of Waste-resources in Industrial, Commercial & Institutional (IC&I) premises and Multi Unit Dwellings is shared by the property owner and the occupant as follows:

A. Property Owner's Responsibilities

The property owner shall:

1. Provide waste-resource storage as set out in Section 3 (M);
2. in cases where storage is inaccessible to the collection truck as prescribed in Section 3 (M), ensure that waste-resources are set at roadside by [7:00 a.m.] for collection on collection day;
3. maintain waste-resource storage in a clean and tidy condition at all times, both inside and outside, including the immediate surroundings;
4. 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 roadside by the end of collection day; and
5. abide by all directives of the By-law Enforcement Officer with regards to the handling of waste-resources

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B. Occupant's Responsibilities

The occupant shall:

1. sort all waste-resources generated in the occupant's unit as provided in Section 3 of this by-law; and
2. between collections, place sorted materials in the storage provided by the property owner.
3. abide by all directives of the By-law Enforcement Officer with regards to the handling and sorting of waste-resources.

5. Industrial, Commercial & Institutional (IC&I) or Construction and Demolition (C&D) Waste-Resources

A. Industrial, Commercial & Institutional (IC&I) Waste-Resource Removal

- I. 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, and Municipal laws, promptly remove and dispose of such waste:
 1. All waste generated by any industrial, commercial or institutional (IC&I) premises, facility or operation, not eligible for Municipal collection pursuant to this bylaw;

B. Commercial Containers

- I. Any person who supplies and/or uses a commercial container for temporary storage of waste shall ensure that such commercial container:
 1. Is sturdily constructed of weather proof and animal proof material and is capable of containing the material deposited within;
 2. Is equipped with a tight-fitting lid with a positive closing device which shall be kept closed except when container is being loaded or unloaded; and
 3. Is cleaned out regularly, as necessary, to avoid the build-up of odours.
- II. The owner of any premises on which a commercial container is placed shall ensure that:
 1. Any such container is kept in a manner that is not unsightly and does not cause a nuisance or health related problem; and

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2. That the area around the container is maintained free from litter and waste.
- III. No person shall place waste in any commercial container without permission of the owner of the container.
- IV. Commercial organic containers or carts must be emptied on a weekly basis. Organics may not be collected in plastic bags.
- V. IC&I waste-resources are subject to inspection by the Administrator or delegate or By-law Enforcement Officer for compliance with this bylaw.
- VI. The property owner or the renter of a commercial storage container or structure shall ensure that materials are placed in the storage container in a source-separated condition.
- VII. The hauler collecting a commercial storage container shall ensure that source separated waste resources are maintained in a source-separated condition and deposited separately at the appropriate facility.
- VIII. Containers for IC&I Recyclables shall be blue transparent plastic bags, with separate blue bags for recyclable paper materials and recyclable container materials. Corrugated Cardboard shall be bundled separately from the other recyclable paper materials.
- IX. Containers for IC&I residual waste shall be clear plastic bags.

C. Construction and Demolition Waste

- I. All waste resulting from construction or demolition of any kind, including renovation or repair except that waste which may be eligible for municipal collection pursuant to this bylaw, shall be promptly removed and disposed of in a waste management facility licensed for the disposal of Construction and Demolition waste
- II. The property owner or occupant of the premises shall both personally or by employees, contractors or agents promptly remove and dispose of any Construction and Demolition material generated on the premises in compliance with all applicable Federal, Provincial, Municipal Laws and Regulations.

6. Offense and Penalty

A. Violation of By-Law

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- I. Any person who contravenes Section 2, or Section 3 of this By-Law is guilty of an offence punishable on summary conviction by a fine of not less than [\$500] and not more than [\$5,000] and to imprisonment of not more than [6 months] in default of payment thereof.

- II. Any person who contravenes any other section of this By-Law is guilty of an offence punishable on summary conviction by a fine of not less than [\$150] and not more than [\$1,000] and to imprisonment of not more than [3 months] in default of payment thereof.

- III. Each day that a person commits an offence under this By-law constitutes a separate offence.

- IV. Any person who contravenes sections 2, or 3 of this By-Law and who is given notice of the contravention may pay to the Municipality, at the place specified in the notice, the sum of [\$250.00] pursuant to Payment In lieu of Prosecution within 14 days of the date of the notice and shall there-by avoid prosecution for that contravention.

7. Repeal

This by-law repeals and replaces Solid Waste-Resource Management By-law #2018-01.

Clerk's Annotation for Official By-Law Book

Date of first reading: July 6, 2020

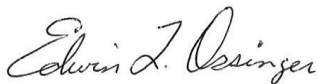
Date of advertisement of Notice of Intent to Consider: July 17, 2020

Date of second reading: August 4, 2020

***Date of advertisement of Passage of By-Law: August 7, 2020**

Date of mailing to Minister a certified copy of By-Law: August 17, 2020

I certify that this TOWN OF DIGBY Solid Waste-Resource Management By-law was adopted by Council and published as indicated above.



CAO _____
E. Thomas Ossinger

Date: August 7, 2020

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*** Effective Date of the By-Law unless otherwise specified in the text of the By-Law**

