

AGENDA
POLICY & STRATEGY COMMITTEE MEETING

Bridgewater, NS

Tuesday, January 21, 2020 – 9:00 a.m.

Time & Page

1. CALL TO ORDER
2. ANNOUNCEMENTS, ACKNOWLEDGEMENTS, RECOGNITION
3. PUBLIC INPUT (15 Minutes)
4. APPROVAL OF AGENDA – Added Items
5. APPROVAL OF MINUTES – December 17, 2019 (as circulated)
6. BUSINESS ARISING FROM MINUTES - NIL
7. PRESENTATIONS
 - 7.1 Twin Bays Coalition re Proposed Open Net Pen Fish Farming on 9:15 a.m. 1-6
St. Margaret's & Mahone Bays - Geoff Le Boutillier & Syd Dumaresq
8. REFERRAL FROM COUNCIL - NIL
9. RECOMMENDATIONS FROM COMMITTEES & BOARDS
 - 9.1 Municipal Joint Services Board
 - 9.1.1 Proposed Solid Waste Bylaw Amendments 10:15 a.m. 7-47
Stephanie Smits, Supervisor Outreach & Communication &
Angela Taylor, Outreach & Compliance Officer
10. STAFF REPORTS
 - 10.1 Administration Department
 - 10.1.1 2020 Municipal Election Report 48-51
 - 10.2 Planning Department
 - 10.2.1 Private Road Maintenance Consultation Report 52-63
11. MAYOR'S/DEPUTY MAYOR'S/COUNCILLORS' MATTERS
 - 11.1 NSFM Spring Workshop Suggestions (Deputy Mayor E. Hustvedt)..... 64-65
 - 11.2 Report to Council on Police Advisory Board Proceedings (Councillor M. Ernst).. 66-67
12. ADDED ITEMS - NIL
13. IN CAMERA
 - 13.1 Land Negotiation – Bridgewater under Section 22(2)(a)
 - 13.2 Personnel Matter under Section 22(2)(c) of the MGA
 - 13.3 Legal Advice re LaHave River Straight Pipe Project under Section 22(2)(g) of the MGA
14. NEXT MEETING – February 18, 2020 – 9:00 a.m.
15. ADJOURNMENT

**TWIN BAYS
COALITION**

...helping lead Nova Scotia's Blue Revolution,
keeping our bays clean.

[Learn more](#)

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**WE ARE NOT
ALONE**

**NOVA SCOTIA ENVIRONMENTAL PROTECTION
ASSOCIATIONS**

- 1 Twin Bays Conservation
- 2 Ecology Action Centre
- 3 Friends Of Nature
- 4 Protect our Bay - Liverpool
- 5 St. Mary's Bay Protectors
- 6 Association for the Preservation of the Eastern Shore
- 7 NS Salmon Association
- 8 Atlantic Salmon Federation
- 9 Council of Canadians
- 10 Friends of Port Moulton

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The Twin Bays Coalition - Backstory

Ten years ago the issue of open-net pen pollution on Nova Scotia's coasts came to a head. Communities rose up in protest. Demonstrations ensued. In response, the government invoked a moratorium and struck a commission. Two highly regarded Nova Scotians, Meinhard Doelle and Bill Lahey, supported by a panel of experts, consulted with the people, and in 2015 issued a report. The government implemented some of their recommendations and lifted the moratorium. We are on the verge of a quantum increase in open-net pens on Nova Scotia's coasts, unless...

Across the Province groups have formed in opposition. From Peggy's Cove to Broad Cove, from St. Margaret's, through Mahone, Lunenburg and Green Bays, our collective action is called the Twin Bays Coalition. We oppose archaic, polluting open-net pens on our shores and support instead a major shift in technology to land-based closed containment.

[Learn more](#)

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Twin Bays Coalition - Mission Statement

Citizen-based, all volunteer, we are working hard to keep our waters clean, and to protect our environment and quality of life. We support the expansion of proven, profitable, exportable Nova Scotia-based aquacultural technology which capitalizes on our skills, our investments and our leadership potential in the global "blue revolution."

[Learn more](#)



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Open-net Pens

Anchored in our bays and crowded with farmed fish, open-net pens leak diseases, parasites, chemicals, surplus feed, and tons of feces into the surrounding ecosystem where it is spread by currents and tides. Storms damage the cages scattering broken gear on our shores.

Why would we license open-net pens while celebrating Stella Bowles's fight to stop human sewage on the La Have? Why say no to human poop and yes to fishes? According to Norwegian Pollution Control, one mid-sized fish farm produces as much effluent as a city of 50,000. The industry's own magazine of record, *Aquaculture*, puts that number at over 65,000.

One net-pen = 65,000 people

[Learn more](#)

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The Dirty Dozen

1. Smell
2. Noise
3. Chemicals and anti-biotics
4. Feces
5. Escaped fish damage endangered wild populations
6. Debris from broken nets
7. Huge die-offs and resultant pollution
8. Lack of transparency and accountability
9. Effect on other industries; e.g. tourism, fishery
10. Sea lice
11. Infectious diseases affect wild populations
12. Affect on surrounding habitat and environment



Salmon Wars, a 2013 documentary film by Silver Donald Cameron and Chris Beckett looking at the state of the aquaculture industry in Maritime Canada and the plans to dramatically increase production sites around the coast of Nova Scotia. A special project of The Green Interview.

[More problems...](#)

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- Each salmon farm is the size of 3 football fields - Cermaq is targeting 20 farms. Other operators are looking to expand in our waters as well.
- They operate 24/7 and are lit throughout the night powered by large diesel engines.
- They are often situated in sheltered areas to avoid wave action. This could mean close to shore, near protected islands, beaches and private coastal properties. Other options would be popular sailing and recreational boating areas.
- They rely on wave and tidal action to flush waste.
- Lobster and other wildlife interact with the waste under and around the pens.
- BC and DFO have agreed to eliminate open pen fish farming based on the negative impacts it has on the ecosystem. The State of Washington and many other jurisdictions are also phasing them out.
- Disease (sea lice) and die off is a stated occurrence in fish farms. "We did treat our fish using traditional sea lice treatments (in-feed medication and the use of hydrogen peroxide)" - Cermaq website.

- The NS net cage industry doesn't even provide the jobs that they promise as it is becoming increasingly mechanized. The farmed salmon production in Nova Scotia has increased by 1,000 % from 1995 (1,120 metric tonnes produced) to 2017 (11,546 metric tonnes produced) and yet the the number of full time people employed is virtually the same with 100 full time jobs in 1995 and 108 full time jobs in 2017. Part time employment in this industry in the same period has dropped by 86%. These figures are from the Nova Scotia government website.

[There IS a solution...](#)

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Responsible aquaculture *can* help reduce world hunger. Half our seafood now comes from aquaculture, the world's fastest-growing food system, but its exponential growth has meant environmental and social challenges. To achieve a "blue revolution" we must ensure green practices and encourage smart solutions, like land-based closed containment which eliminates the exchange between fish farms and the natural environment. There are no fish escapes, no interaction with wild stocks, no parasites nor diseases, no pesticides nor antibiotics.



[Learn more](#)



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The Twin Bays Coalition believes we should not import archaic foreign-owned technology proven to have negative impacts on wild stocks, the environment, and our quality of life. The product produced by this obsolete technology damages our health, and the profits leave the province forever. Why would we do that when we have leading edge technology right here, right now, investors working hard to assemble venture capital, a clean industry perfectly poised for growth? It doesn't rely on imported labour and dead end minimum wage jobs. It builds on our own, experienced workforce and capabilities. It is ours, not someone else's. A healthy, abundant, highly marketable food product is created, one which can help address world hunger. Nova Scotia can regain its place as a world seafood leader without damaging our environment.

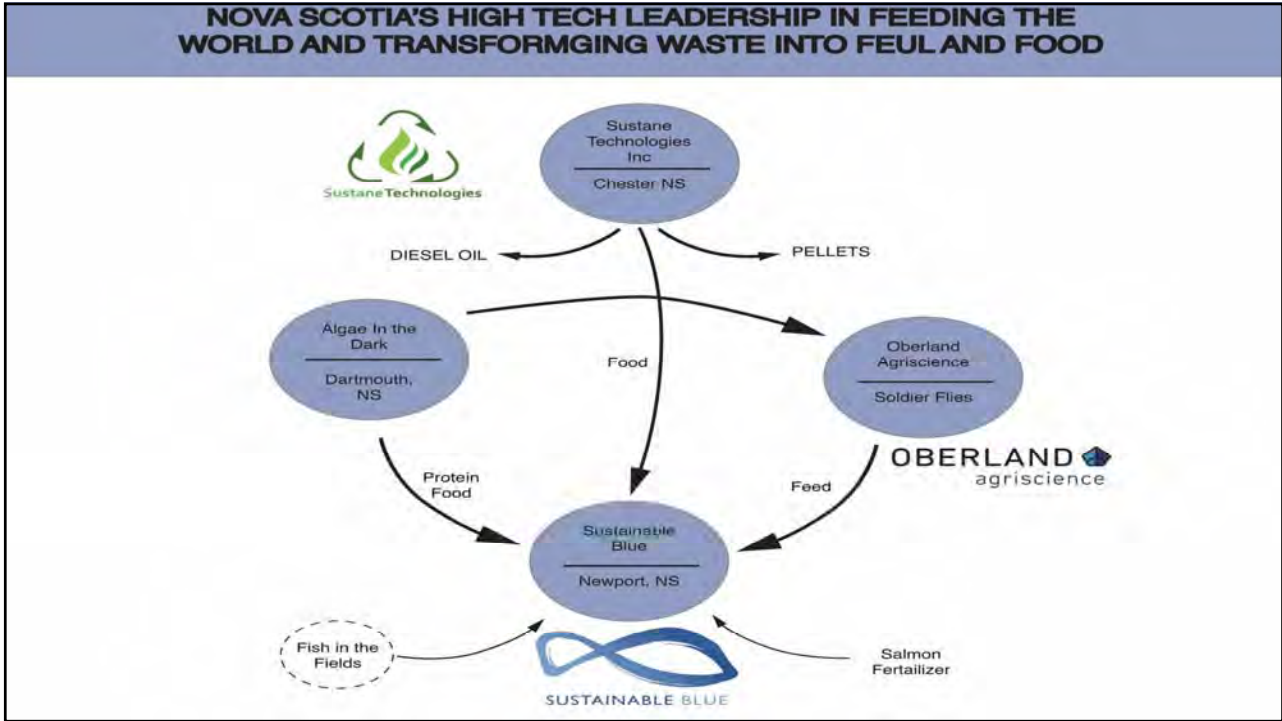


[Take action!](#)

Land based operator "Sustainable Blue" is one Nova Scotia example of how the industry is transforming.

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NOVA SCOTIA'S HIGH TECH LEADERSHIP IN FEEDING THE WORLD AND TRANSFORMING WASTE INTO FUEL AND FOOD



11

Municipal Joint Services Board

131 North St, PO Box 209, Bridgewater, NS B4V 2W8

Phone: (902) 543-2991 Fax: (902) 530-5189

A Joint Services Board

REPORT TO: MoDL Council

SUBMITTED BY: Stephanie Smits, Outreach & Communications Sup., MJSB

DATE: January 14, 2020

RE: Proposed Solid Waste Bylaw Amendments

BACKGROUND

In 2018, a Request for Proposals (RFP) was issued for curbside waste collection services. The 2020 – 2024 collection contract was awarded to GE Environmental. The goals of the RFP were to reduce collection costs per household, improve collection efficiency and introduce new curbside services.

MoDL’s Solid Waste Collection By-law requires amendments as a result of new services being introduced. Services include:

- Bi-weekly bulky landfill collection (Section 6.2)
- Annual fall wood and metal collection (Section 6.3)
- Annual fall curbside electronics collection (Section 16.0)

Spring and fall clean-up will be replaced by two different types of collection: bi-weekly bulky landfill and a separate wood and metal collection. Kraft paper leaf and yard waste bags are being promoted as the only option for leaf collection. Other amendments include wording regarding the stockpiling of waste materials on properties, vehicles used for illegal dumping activities and a definition change from privacy bag to non-transparent bag.

DISCUSSION

Collection Changes

Bi-weekly bulky landfill collection gives residents an option to put out two bulky landfill items, every two weeks. Would include items such as mattresses, couches, upholstered furniture and plastic lawn furniture. Items up to 100 kgs (220 lbs) each and up to (1.8 m) 6 feet long would be collected. Eliminates the need to store bulky items and provides timely pick up. Alleviates issues for those who do not have a way to drop off large items at the Community Recycling Centre.

A dedicated fall wood and metal pick up would take place on residents’ regular collection day during a two-week period. Both materials are reusable and recyclable. Items such as wooden furniture, boards, pallets, metal-framed furniture, barbecues, stoves and empty hot water heaters would be accepted. A combined volume of 4 cubic metres (5.2 cubic yards) is proposed.

Fall curbside electronics collection would allow residents to put out three items accepted by the Provincial electronics program. Items to be picked up on residents’ regular collection day during two-week period. Convenient alternative to transporting bulky electronics such as TVs.



Enforcement

Heavy kraft paper bags (Section 6.1 c ii) are proposed as the only option for leaf and yard waste. Residents would be encouraged to phase out their use of plastic leaf bags which cause widespread contamination in the organics stream. HRM banned the use of plastic bags for leaf collection in 2015 for this reason.

Definition *Privacy Bag* used to describe black bags when clear garbage bag program was introduced in 2014. Black bags can be used for discrete disposal of bathroom and hygiene items. Residents interpreted privacy bags as strictly private or bags which could contain unsorted waste, not subject to inspection. All waste collected at the curb may be inspected to ensure proper sorting and to guard against hazardous wastes. *Non-transparent bag* (Section 6.1 g) would replace this definition.

A Reverse Onus clause (Section 20.1.5) is included in the Bylaw: a person can be charged if dumped waste is found and it contains their name; they must sufficiently prove they didn't dump it. Proposed wording will also include *a particular vehicle* (or trailer) used to transport waste for the purpose of dumping. Plate numbers may be used as evidence if video surveillance or eye-witness account is obtained. Vehicle/ trailer owner must prove they didn't have control of the vehicle when offense is committed.

Waste accumulation or stockpiling is often reported to the Outreach and Compliance Officer. Valley Waste Resource Management have enabled waste bylaw enforcement staff to address waste accumulation cases by adding wording which gives their staff the authority to order uncollected waste be stored properly or disposed of (Section 21.6).

MUNICIPALITY OF LUNENBURG

A By-law Respecting SOLID WASTE COLLECTION AND DISPOSAL

DEFINITIONS

1.0 Governing Authorities

- .1 “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;
- .2 **“Divert Nova Scotia”** a not-for-profit Board regulated by the Nova Scotia Solid Waste-Resource Management Regulations, under Section 102 of the Environment Act. The **Board’s mandates administering resource recovery fund as prescribed in** Section 4 of the Solid Waste Regulations.
- .3 **“Council”** means the council of the Municipality of the District of Lunenburg.
- .4 **“Municipal Joint Services Board” referred to in this Bylaw as “the MJSB,” means a** corporate body established pursuant to an Intermunicipal Services Agreement to which this municipality is a party. The municipal parties to that Agreement have given the MJSB responsibility for the management of solid waste within their respective jurisdictions, pursuant to the s. 60 of the Municipal Government Act; and
- .5 **“LRCRC”** means Lunenburg Regional Community Recycling Centre, a division under the mandate of the MJSB, overseeing the management of the Solid Waste system. The facility is located at 908 Mullock Road, Whynott’s Settlement.

SOLID WASTE

- 2.0 **“Solid waste”** means collectible waste, non-collectible waste, bulky waste, construction or demolition materials, household hazardous waste, residual 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*;
- 3.0 Words used in this by-law shall take their meaning from their context and from dictionaries of the English (Canadian) language, except as follows:
 - .1 **“BLUE BAG RECYCLABLES”** means glass jars and bottles, tins, aluminium cans, plastic bottles, rigid plastic containers, plastic bags, film stretch and pallet wrap, and milk and juice containers. Other materials may be identified, from time to time, by *N.S.E.’s Regulations Respecting Solid Waste-Resource Management*, November, 1995, as amended or other successive solid waste legislation.

- .2 "BRANCHES and LIMBS" means branches, limbs and brush.
- .3 "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.
- .4 "BULKY WASTE" means large items of a household nature including vacuum cleaners, plastic barrels, furniture (upholstered or wooden) mattresses, box springs and porcelain bathroom items such as toilets and sinks, but excluding compostable materials, paper, household waste, blue bag recyclables, household hazardous waste, designated electronic products, Christmas trees, asphalt shingles, discarded appliances, metal items, white goods, wooden pallets, metal or wooden barrels, artificial Christmas trees, car parts.
5. "COLLECTABLE WASTE" means those wastes which are eligible for collection, within the volume and other restrictions elsewhere in this by-law, on regularly-scheduled collection days and consists of the following categories:
- i) compostable materials (as defined herein);
 - ii) recyclables (as defined herein);
 - iii) residual waste (as defined herein);
 - iv) paper (as defined herein);
 - v) non-transparent bag (as defined herein); and
 - vi) bulky waste.
6. "COMMERCIAL CONTAINER" means any container used for the storage of properly sorted solid waste excluding household hazardous waste generated from multi-residential, institutional, commercial, industrial or other premises within the Municipality 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.
- .7 "COMPOSTABLE MATERIALS" means vegetable peelings, dairy products, meat, fish and shellfish, egg shells, bones, waste food products, coffee grounds and filters, grass trimmings, leaves, garden waste, ashes or soot, soiled and wet paper, table napkins, paper towels, pizza boxes, household cooking oil, household grease and fat, BRANCHES and LIMBS, untreated wood sawdust, wood chips and wood shavings. Other materials may be identified, from time to time, by N.S.E.'s *Regulations Respecting Solid Waste-Resource Management*, November, 1995, as amended or other successive solid waste legislation.
- .8 "CONSTRUCTION OR DEMOLITION MATERIALS" means left-over material generated as a result of any form of construction or renovation and materials generated from demolition activity including but not limited to: asphalt, brick, mortar, polystyrene or fibreglass insulation, cellulose, drywall, plaster, shingles, metal and scrap wood – 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.
- .9 "CURB" means that portion of the public road right-of-way between the travelled portion or

parking area and the property line, which parallels the street centre line.

- .10 “DISPOSE” means any form of disposal of any material, including solid waste as defined herein: deposit, storage, placement, burning or burial regardless of whether or not the material being, or having been, deposited, stored or placed is in a box, bin, container, barrel, or any other containment device.
- .11 “DWELLING UNIT” means a room or series of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.
- .12 “**ELECTRONICS**” means any electronic device that is acceptable under the provincial Electronic Products Recycling Association (EPRA) program. The list of items under this category may change from time to time, as determined by EPRA.
- .13 “ELIGIBLE PREMISES” means those properties within the Municipality, which are eligible for collection services - up to the maximum restrictions, outlined elsewhere in this by-law – and includes all properties in the Municipality including properties located on private roads.
- .14 “HAULER” means any company or person who transports solid waste within the Municipality or within the boundaries of the municipal member units of the LRCRC (defined herein).
- .15 “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, BBQ propane tanks and small propane cylinders or canisters such as those used for camp stoves or propane torches and marine flares.
- .16 “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.
- .17 “MUNICIPALITY” means the Municipality of the District of Lunenburg.
- .18 “NATURAL CHRISTMAS TREE WASTE” means discarded non-artificial Christmas trees.
- .19 NON-TRANSPARENT **BAG**” means residual waste which has been placed for collection subject to special requirements elsewhere in this by-law.
- .20 “OCCUPANT” means any person who, in addition to or instead of the owner, resides in

or is the lessee of, whether by way of verbal or written lease or other arrangement, a building or on a property located within the Municipality and includes any assignee or legal representative of same.

- .21 "ONE-SIDED COLLECTION" means collection of solid waste from only one side of a Public Highway.
- .22 "OWNER" means to the owner of property and includes a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building and, in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or building; and, in the absence of proof to the contrary, the person assessed for the property.
- .23 "PAPER" means newspapers, flyers, magazines, catalogues, boxboard, flattened corrugated cardboard, bond paper, computer paper, hard cover books (covers removed), 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, Third Class Mail and other materials as are identified, from time to time, by N.S.E.'s *Regulations Respecting Solid Waste-Resource Management*, November, 1995, as amended or other successive solid waste legislation.
- .23 "RESIDUAL WASTE" means broken bottles, crockery and glassware – subject to special requirements elsewhere in this bylaw – and floor sweepings, pet litter, light bulbs, disposable diapers, hygiene items, discarded clothing and furnishings, 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 goods and other household waste.
- .24 "UNACCEPTABLE WASTE" means all material other than collectable waste, without limiting the generality of the foregoing, includes:
- i) highly combustible or explosive materials including, without limiting, flares, fireworks, celluloid cuttings, motion picture film, oil or gasoline soaked rags, gas containers, chemicals, acids or other combustible residues, 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) a whole or part carcasses of domestic ruminants, including cattle;
 - iv) waste listed or characterized as hazardous by any Federal or Provincial law – other than household hazardous waste as defined herein;

- v) electronics, with the exception of an annual electronics collection;
 - vi) solid waste generated, or originating from, outside the Municipality without prior approval;
 - 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 “bulky waste” in this bylaw;
 - x) septic tank pumping, raw sewage or industrial sludge;
 - xi) radioactive materials;
 - xii) contaminated soil;
 - xiii) all passenger tires up to 24.5 inches as per the Tire Management Program administered by Divert Nova Scotia;
 - xiv) industrial waste from factories or manufacturing processes;
 - xv) manure, kennel waste, excreta, fish processing waste;
 - xvi) lead-acid automotive batteries and propane tanks;
 - xvii) waste which has been placed for collection but not in accordance with the provisions of this bylaw; and
 - xviii) materials banned from landfill disposal by the N.S.E. *Regulations Respecting Solid Waste-Resource Management, November, 1995, as amended – other than recyclable materials or organic materials from eligible premises.*
- .25 “WHEELED AERATED CART” shall be of either 140 litre capacity, 240 litre capacity or other MJSB approved capacity, brand and model.
- .26 “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.
- .27 “WOOD WASTE” **means scrap wood**, wooden pallets, wooden barrels and wooden

furniture.

COLLECTION

4.0 Collection of SOLID WASTE shall be as follows:

- .1 A collection for RESIDUAL WASTE, two (2) BULKY WASTE items, COMPOSTABLE MATERIALS, BLUE BAG RECYCLABLES and PAPER shall be made at least once in every fourteen (14) days, commencing at the hour of seven o'clock in the forenoon (7:00 a.m.), provided, however, that when a holiday occurs, as indicated on the collection calendar, on a collection day, such collections shall be made on the following Saturday, unless otherwise specified by the MUNICIPAL ENGINEER .
- .2 Collection shall include all properties in the MUNICIPALITY which abut a public listed and maintained road, which generate for disposal, quantities of SOLID WASTE not exceeding the limits specified in Section 9.0.
- .3 Where a property does not abut a public listed and maintained road, and in areas of private roads where the OWNER has a long driveway, on island or in other circumstances where conventional collection may be impractical, the owner may transport eligible SOLID WASTE to the nearest public listed and maintained road for collection.
- .4 Collection of ELECTRONICS, per restrictions noted elsewhere in this by-law, shall take place once in the fall of each year on a date to be specified by the MUNICIPAL ENGINEER.
- .5 Collection of WOOD WASTE and METAL, per restrictions noted elsewhere in this by-law, shall take place once in the fall of each year on a date to be specified by the MUNICIPAL ENGINEER.
- .6 Collection of properly - prepared NATURAL CHRISTMAS TREES, per restrictions noted elsewhere in this by-law, shall take place annually in the month of January on a date to be specified by the MUNICIPAL ENGINEER.
- .7 For the purpose of Section 4, the schedule of, and exact dates for, collection shall be published in a calendar distributed to OWNERS - which will also be posted on-line – and any other collection dates will be published in a local newspaper and/or advertised on a local radio station.

REQUIREMENTS TO STORE AND DISPOSE OF SOLID WASTE

5.0

- .1 Every owner shall:
 - a) Provide containers for SOLID WASTE storage.
 - b) All COLLECTABLE WASTE to be collected by the MUNICIPALITY shall be

accessible to the contractor within 3 metres (approximately 10 feet) of the curb, placed in such a manner as to not interfere with pedestrian traffic and snow removal.

- c) Maintain all containers that are not disposable in good repair and in sanitary condition.
- d) Place COLLECTABLE WASTE for collection only in containers of the type and meeting the standards set forth in Section 6.
- e) Be responsible for the disposal of SOLID WASTE generated from his property, including SOLID WASTE generated by OCCUPANTS having use of the property.

STORAGE FOR SOLID WASTE COLLECTION

6.0

.1 For the purpose of this Section, containers for solid waste "Storage" shall mean the following:

- a) For BLUE BAG RECYCLABLES:
 - i) Securely tied, blue-tinted transparent plastic waterproof bags of a dimension no smaller than 25 centimetres by 40 centimetres (10 by 16 inches), nor greater than 76 centimetres by 122 centimetres (30 by 48 inches), and shall not exceed a weight of 25 kilograms (55 lbs). All materials must be clean.
- b) For PAPER:
 - i) Placed in bags, securely tied, of a dimension no smaller than 25 centimetres by 40 centimetres (10 by 16 inches); nor greater than 76 centimetres by 122 centimetres (30 by 48 inches)
- c) For COMPOSTABLE MATERIALS:
 - i) WHEELED AERATED CART;
 - ii) LEAVES AND YARD WASTE may be placed in heavy kraft paper bags, of a dimension no smaller than 66 centimetres by 91 centimetres (26 by 36 inches) nor greater than 76 centimetres by 122 centimetres (30 by 48 inches) and shall not exceed a weight of 25 kilograms (55 lbs.) per bag; and,
 - iii) for leaves only, a maximum of three (3) bags per collection. This maximum increases to four (4) bags if no WHEELED AERATED CART is put out that day.

- d) For CHRISTMAS TREE WASTE:
 - i) Cut into pieces and placed into the WHEELED AERATED CART; or
 - ii) shall be bundled and tied, and shall not exceed 0.9 metres (36 inches) in length; and
 - iii) shall not have decorations, ornaments, wire or nails attached; and
 - iv) weigh not more than 25 kilograms (55 lbs) per bundle.
- e) For BRANCHES AND LIMBS:
 - i) Cut into pieces and placed into the WHEELED AERATED CART; or
 - ii) shall be bundled and tied; and
 - iii) shall not have any wire or nails attached; and
 - iv) weigh not more than 25 kilograms (55 lbs) per bundle; and
 - v) individual pieces shall not be more than 50 mm (2 inches) in diameter; and
 - vi) be less than 0.9 meters (36 inches) in length.
- f) For RESIDUAL WASTE (all other waste):
 - i) Water tight metal or plastic cans:
 - 1) equipped with a tight fitting cover of metal, plastic or other impermeable material; and
 - 2) equipped with handles; and
 - 3) filled to a height not exceeding 5 centimetres (2 inches) below the top of the container; and
 - 4) shall not exceed a weight of 25 kilograms (55 lbs); and
 - 5) shall not exceed a volume of 100 litres, and shall not include cardboard drums, oil drums, paint containers or lard containers; or
 - ii) Placed in plastic, single use, waterproof, clear transparent bags, free from colour, of a dimension no smaller than 66 centimetres by 91 centimetres,

(26 by 36 inches) nor greater than 76 centimetres by 122 centimetres (30 by 48 inches), and shall not exceed a weight of 25 kilograms (55 lbs).

- g) For NON-TRANSPARENT BAG:
 - i) Placed in a plastic, single use, waterproof opaque bag with a dimension no smaller than 66 centimetres by 91 centimeters (26 by 36 inches) nor greater than 76 centimeters by 122 centimeters (30 by 48 inches) and shall not exceed a weight of 25 kilograms (55lbs).

.2 Items placed for BULKY WASTE COLLECTION:

- a) Shall be packaged/bundled/boxed in such a manner so as to allow for pick-up and collection, and not include any COMPOSTABLE MATERIALS, BLUE BAG RECYCLABLES, PAPER, household waste, ELECTRONICS, WOOD WASTE, METAL ITEMS, metal barrels, WHITE GOODS, metal car parts NATURAL CHRISTMAS TREES, HOUSEHOLD HAZARDOUS WASTE or asphalt shingles.
- b) No person shall place, or caused to be placed, BULKY WASTE items for collection except in accordance with the following restrictions:
 - i) such waste shall be packaged, bundled or boxed so as to facilitate removal and handling;
 - ii) Two (2) BULKY WASTE items may be placed for collection every fourteen (14) days;
 - iii) each item shall not exceed 100 kgs (220 lbs) in weight; and,
 - iv) each item shall not exceed 1.8 m (6 feet) in any dimension.

.3 Items placed for WOOD WASTE AND METAL COLLECTION:

- a) No person shall place, or cause to be placed, WOOD WASTE or METAL such as oil tanks, metal fencing, barrels, pallets and WHITE GOODS – out for collection except on a day designated by the MUNICIPAL ENGINEER for collection of same and in accordance with the following restrictions:
 - i) such waste shall be packaged, bundled or boxed so as to facilitate removal and handling;
 - ii) any WOOD WASTE and METAL shall be placed separately during the day designated by the MUNICIPAL ENGINEER for collection;
 - iii) WOOD WASTE and METAL shall not exceed 4 cubic metre (5.2 cubic yards) combined total per collection;

- iv) each item shall not exceed 140 kgs (308 lbs) in weight; and,
- v) each item shall not exceed 1.8 m (6 feet) in any dimension.

PREPARATION OF SPECIFIC WASTES

7.0

- .1 a) For BROKEN BOTTLES, CROCKERY OR GLASSWARE:
 - i) Broken bottles, crockery and glassware shall be sealed in a box or a bucket and clearly identified— by noting, in large capital letters, on the outside of the bundle the words “broken glass” – a warning to the contractor.
- b) For ASHES OR SOOT:
 - i) Ashes or soot shall be completely cooled for a minimum of four (4) weeks, then wetted down before depositing in the WHEELED AERATED CART.
- c) For NATURAL CHRISTMAS TREES:
 - i) It is to be unpackaged and undecorated, including the removal of all lights and any tree stand;
 - ii) shall not exceed 3 m (approx. 10 ft) in length;
 - iii) no person shall place, or cause to be placed, any NATURAL CHRISTMAS TREE out for collection before 5:00 p.m. of the day immediately preceding the day designated for collection of same;
 - iv) no person shall place, or cause to be placed, any NATURAL CHRISTMAS TREE out for collection after 7:00 a.m. of the day designated for collection of same;
 - v) each single-unit building shall place two NATURAL CHRISTMAS TREES for collection;
 - vi) each multi-unit building shall place one NATURAL CHRISTMAS TREE per unit, plus one additional NATURAL CHRISTMAS TREE for collection; and,
 - vii) commercial NATURAL CHRISTMAS TREE producers may not place unsold trees for collection.
- d) For CARDBOARD:
 - i) for CARDBOARD only, flattened, securely tied bundles, of dimension no greater than 91 centimetres (36 inches) by 61centimetres (24 inches) by

61 centimetres (24 inches) and shall not exceed a weight of 25 kilograms (55 lbs.) per bundle.

WHEELED AERATED CARTS

8.0

.1 Every owner shall:

- a) use only a WHEELED AERATED CART for the storage of COMPOSTABLE MATERIALS for collection, except as otherwise permitted in clauses 6 1(c) and (d);
- b) maintain the WHEELED AERATED CART in good repair and sanitary condition; and,
- c) WHEELED AERATED CARTS must remain on the property parcel for which it was assigned in accordance with the **MUNICIPALITY'S** policy MDL-44. The freely distributed WHEELED AERATED CART shall remain on the property when a householder sells a property. Care and use will be the responsibility of the householder or OCCUPANT.

.2 The number of carts required by each owner shall conform to the following minimum criteria:

- a) single-unit dwelling or 1 - 140 litre capacity cart per DWELLING UNIT
- b) duplex dwelling or 1 - 140 litre capacity cart per DWELLING UNIT
- c) semi-detached dwelling or 1 - 140 litre capacity cart per DWELLING UNIT
- d) dwellings of 3 to 6 units or 1 - 140 litre capacity cart per DWELLING UNIT
- e) dwellings having 6 units or Minimum carts and capacities greater to be determined by the **MJSB**.

VOLUME AND WEIGHT PERMITTED

9.0

.1 COLLECTABLE WASTE placed for collection:

- a) Shall not exceed 140 kilograms (308 lbs) in total per DWELLING UNIT per collection day and no single item may weigh more than 25 kilograms (55 lbs);

- b) Shall not exceed 4 cubic metres (5.2 cubic yards) in total volume per DWELLING UNIT per collection day, plus two (2) bulky waste items; and,
- c) No person shall place, or cause to be placed, more than one (1) WHEELED AERATED CART per any one DWELLING UNIT out for collection on any one-collection day and the total weight of the cart and its contents shall not exceed 120 kilograms (approx. 265 lbs.).
- d) No person shall place, or cause to be placed, more than one (1) NON-TRANSPARENT BAG per any one DWELLING UNIT out for collection on any one collection day.
- e) 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 the one (1) NON-TRANSPARENT BAG as outlined elsewhere in this bylaw.
- f) No person shall place, or cause to be placed, more than three (3) ELECTRONICS per anyone DWELLING UNIT out for collection on the annual ELECTRONICS collection day.

PLACEMENT OF CONTAINERS FOR COLLECTION

10.0

- .1 All COLLECTABLE WASTE to be collected by the MUNICIPALITY shall be accessible to the contractor within 3 metres (approx. 10 feet) of the curb or other such location as may be required from time to time, including one-sided collection, and placed in such a manner as to interfere as little as possible with pedestrian or vehicular traffic and snow removal.
- .2 a) Permanent containers or boxes for the storage of COLLECTABLE WASTE between collections shall:
 - i) be a solid container with a tight fitting cover. The container shall be a maximum height of 91 centimetres (3 feet), or shall provide a hinged front door. It shall be filled to a height not exceeding 5 centimetres (2 inches) below the top of the container. There shall be no loose SOLID WASTE stored in any container. The immediate vicinity of the container shall be kept neat and free of any SOLID WASTE;
 - ii) be maintained in good repair;
 - iii) not present a hazard to individuals or traffic;
 - iv) be located in such a manner as to not interfere with traffic or snow removal;
 - v) be appropriately located with respect to one-sided collection; and,

- vi) lids shall be securely hinged, not have a self-locking latch and shall have a support to hold the lid open while the contents are being emptied.
- b) No WHEELED AERATED CART shall be stored inside a container or box, unless the cart can be wheeled out without lifting, or is removed from the container or box by the owner for collection.

RESPONSIBILITIES OF OWNERS AND OCCUPANTS

11.0

1. Every OWNER or OCCUPANT shall:
 - a) ensure that COLLECTABLE WASTE, ELECTRONICS and BULKY WASTE are placed for collection in accordance with this by-law;
 - b) clean up any type of SOLID WASTE which has escaped from its container;
 - c) store any waste refrigerator or freezer either inside an enclosed and locked building or with the doors of the refrigerator or freezer removed;
 - d) ensure the proper preparation of all SOLID WASTE in accordance with this by-law; and
 - e) abide by all lawful directives of the MJSB with regard to the handling of SOLID WASTE materials.

REJECTION OF WASTE

12.0

- .1 Any type of SOLID WASTE which has been set out for collection is subject to inspection by the MJSB and any such SOLID WASTE found or deemed by same to be set out in violation of the requirements of this by-law may be rejected and not collected.
- .2 Any SOLID WASTE which is so rejected will 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.
- .3 No person shall permit any rejected materials to remain at the collection placement spot after 12:01 a.m. on the day after collection.
- .4 Any rejected SOLID WASTE, as designated by a rejection sticker, shall remain the property of the OWNER.

TIME FOR REMOVAL OF CONTAINERS

13.0

- .1 No owner shall permit SOLID WASTE to remain in front of the said building and adjacent to or at the curb except between 5:00 p.m. on the day previous to collection and 12:01 a.m. on the day after collection.
- .2 SOLID WASTE placed for collection in a manner contrary to the provisions of this by-law shall not be collected and such SOLID WASTE shall be removed no later than 12:01 a.m. on the day after collection.

COMMERCIAL CONTAINERS

14.0

- .1 An OWNER or OCCUPANT of any premise in which a COMMERCIAL CONTAINER is located shall ensure the COMMERCIAL CONTAINERS:
 - a) are sturdily constructed of weather-proof material and shall be water tight;
 - b) are inaccessible to pests, rodents, vermin, seagulls or animals; 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;
 - c) are kept in a clean manner;
 - d) are kept in a state of good repair;
 - e) have displayed thereon the name and telephone number of the owner of the container and the type of material to be deposited therein;
 - (f) have displayed thereon the following message **“garbage”** or **“landfill”**, where institutional, commercial or industrial waste is to be deposited in the COMMERCIAL CONTAINER;
 - (g) have displayed thereon the following message **“recyclables”**, where BLUE BAG RECYCLABLES are to be deposited in the COMMERCIAL CONTAINER;
 - (h) have displayed thereon the following message **“paper or cardboard”**, where fibre RECYCLABLES are to be deposited in the COMMERCIAL CONTAINER; and,
 - (i) have displayed thereon the following message **“organics”**, where ORGANIC MATERIALS are to be deposited in the COMMERCIAL CONTAINER.
- .2 An OWNER or OCCUPANT 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.

- .3 An OWNER or OCCUPANT 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.

HAULERS

15.0

- .1 All private collections of SOLID WASTE shall be undertaken in compliance with relevant Federal/Provincial/Municipal statutes and regulations.
- .2 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, as they enter the LRCRC front gates;
 - 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 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.
- .3 All private collection of any SOLID WASTE shall be made directly to the private collection vehicle from the premises where the same was generated.
- .4 all SOLID WASTE collected through private collections, and which is to be delivered to the LRCRC, shall be in compliance with the Regulations promulgated by the operator of the LRCRC regarding acceptance and receipt of SOLID WASTE at the LRCRC.
- .5 In the event of any spillage, the vehicle operator shall be responsible for the clean-up, which shall be undertaken immediately.

ELECTRONICS

16.0

1. Every OWNER or OCCUPANT shall only place ELECTRONICS curbside once per year.
2. Every OWNER or OCCUPANT may also deliver ELECTRONICS to a recognized ELECTRONICS return collection facility in Nova Scotia for reuse and recycle.

HOUSEHOLD HAZARDOUS WASTE

17.0

- .1 Every OWNER or OCCUPANT shall store any HOUSEHOLD HAZARDOUS WASTE generated by same in a safe and secure manner and place and shall deliver same, as soon as is reasonably possible, to the HOUSEHOLD HAZARDOUS WASTE **Depot (“HHW Depot”)** at the LRCRC.
- .2 No person shall dispose of, or cause or permit the disposal of, HOUSEHOLD HAZARDOUS WASTE at any location within the MUNICIPALITY.

CONSTRUCTION OR DEMOLITION MATERIALS

18.0

- .1 Every OWNER or OCCUPANT shall deliver any CONSTRUCTION OR DEMOLITION WASTE – over and above those collected by the MUNICIPALITY – to the appropriate area or site within the LRCRC or an approved C&D debris disposal site.
- .2 No person shall dispose of CONSTRUCTION OR DEMOLITION MATERIALS by stock-piling, storing or any other method.

LUNENBURG REGIONAL COMMUNITY RECYCLING CENTRE

19.0

- .1 The MUNICIPALITY has designated, by resolution, the Lunenburg Regional Community Recycling Centre (**“LRCRC”**) as the receiving site for solid waste generated by its residents – within the restrictions as set in this by-law and other restrictions as set by the operator of LRCRC.
- .2 The operator or other authorized staff of the LRCRC may refuse to accept a load of SOLID WASTE for the following reasons:
 - a) The load is comprised of, or contains, SOLID WASTE other than the type of SOLID WASTE which the LRCRC has been approved to accept; or
 - b) It is a load for which a tipping fee has not yet been set or negotiated with the SOLID WASTE generator or hauler; or
 - c) It is a load for which a tipping fee has not yet been paid to the LRCRC; or

- d) It is a load for which tipping fee payment arrangements satisfactory to the operator or authorized staff have not yet been made.
- .3 No person shall dispose of, or cause or permit the disposal of, any type of SOLID WASTE around or adjacent to the LRCRC in the following circumstances:
 - a) when the LRCRC is not open and operational; or
 - b) after the operator or authorized staff of the LRCRC has refused to accept same.
- .4 All private collection vehicles shall:
 - a) 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 the LRCRC front gates to the scale house.

LEGAL and ILLEGAL DISPOSAL

20.0

- .1 With the exception of the placement of SOLID WASTE for collection in accordance with this by-law, the delivery of ELECTRONICS or HOUSEHOLD HAZARDOUS WASTES to depots or other disposals allowed for in this by-law, no person shall dispose of, or cause or permit the disposal of, SOLID WASTE, waste or UNACCEPTABLE WASTE at any location or manner in the MUNICIPALITY 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 By-laws to the contrary, the disposal aggregate, soil, bricks, mortar, concrete, asphalt pavement, porcelain or ceramic materials as fill in such a manner as to not constitute a nuisance.
- .2 No person shall dispose of, or cause or permit the disposal of, any SOLID WASTE in a permanent container or box for storage of SOLID WASTE unless that person is, or has the permission of, the OWNER of said container or at a box or collection placement spot approved by the MUNICIPALITY for another OWNER or OCCUPANT.
- .3 no person shall dispose of, or cause or permit the disposal of, any UNACCEPTABLE WASTE or rejected SOLID WASTE in, at or near a permanent container or box for storage of SOLID WASTE or collection placement spot approved by the MUNICIPALITY for another OWNER or OCCUPANT.
- .4 No person shall dispose of, or cause or permit the disposal of, CONSTRUCTION OR

DEMOLITION MATERIALS at any location other than at the LRCRC or an approved C&D debris disposal site.

- .5 Proof that any type of SOLID WASTE, which was disposed of in contravention of this by-law, originated from a particular person, from the residence of a particular person, from a particular premises, or from a particular vehicle (as defined by the Motor Vehicle Act of Nova Scotia), 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 – or the owner of the vehicle - 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

21.0

- .1 Where an OWNER or OCCUPANT properly places any authorized form of SOLID WASTE out for collection by the MUNICIPALITY'S contractor, the said SOLID WASTE becomes the property of the MUNICIPALITY and only authorized personnel are permitted to remove same; except under circumstances stated below of this by-law.
- .2 No person shall pick over, remove, collect, disturb or otherwise interfere with any type of SOLID WASTE or which has been placed out for collection.
- .3 The prohibitions in the above two sections do not apply to:
 - a) the person who placed the SOLID WASTE for collection; or
 - b) WOOD WASTE, METAL ITEMS and BULKY WASTE as is authorized to be placed for collection under this bylaw. material, appliances or furniture; and any other materials placed out for BULKY WASTE collection. When removal of such materials is undertaken, remaining materials must be left in an orderly manner, which does not interfere with pedestrian or vehicular traffic.
- .4 No person shall dispose of any type of SOLID WASTE by the burning of same.
- .5 No person shall place any type of SOLID WASTE generated from outside the MUNICIPALITY for collection at a designated collection location for an OWNER within the MUNICIPALITY.
- .6 No OWNER or OCCUPANT shall permit or authorize the accumulation of SOLID WASTE on or around property including uncollected SOLID WASTE to remain on or around property other than in an approved storage container as outlined elsewhere in this bylaw.

EXPORT OF SOLID WASTE

22.0

- .1 No person shall transport any type of SOLID WASTE generated within the MUNICIPALITY to any location other than the LRCRC site or outside the boundaries of the area served by the LRCRC but for the following exceptions:
 - a) CONSTRUCTION OR DEMOLITION MATERIALS to an approved C&D debris disposal site;
 - b) “**direct haul**” of residual waste to Kaizer Meadow, an approved SOLID WASTE disposal site, only when authorized by the operator of LRCRC;
 - c) ELECTRONICS which may be taken to a recognized electronics return collection facility in Nova Scotia; and
 - d) any other special arrangement authorized in writing by the operator of the LRCRC.

ENFORCEMENT AND PENALTIES

23.0

- .1 Any person who disposes of, or permits the disposal of, any SOLID WASTE including CONSTRUCTION OR DEMOLITION MATERIALS and/or RESIDUAL 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 One Thousand (\$1,000.00) 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.
- .2 Any person who violates any other provision of, or permits any other thing to be done in violation of, this by-law is guilty of a summary offense and is liable, upon conviction, to the following:
 - a) for a first offense, a fine of not less than Two Hundred and Fifty Dollars (\$250.00) 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 and Fifty Dollars (\$350.00) 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; and,
 - 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.
- .3 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 Five Hundred Dollars (\$500.00) and not more than Five Thousand Dollars (\$5,000.00), and in default of payment to a term of imprisonment not to exceed ninety (90) days.

- .4 Where a person is convicted of an offence under this by-law and the court is satisfied that, as a result of the commission of the offence, clean-up or site remediation costs were incurred, whether by the MJSB or by a person, the Court may order the offender to pay, in addition to all other fines and penalties, restitution to the MJSB or person in an amount equal to the said clean-up or remediation costs.
- .5 Pursuant to the provisions of the *Municipal Government Act*, in addition to a fine imposed for violation of this by-law, a judge may order the imposition of a penalty in relation to any fee, cost, rate, toll or charge associated with the conduct that gave rise to the offence.
- .6 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 by-law within a specified time.
- .7 Each day that a person commits any offence under this by-law constitutes a separate offence.
- .8 Where a breach of this by-law is anticipated or is of a continuing nature, the MJSB may, pursuant to the provisions of the *Municipal Government Act*, apply to a judge of the Supreme Court of Nova Scotia for an injunction or other order and the judge may make any order that the justice of the case requires.

ADMINISTRATIVE TICKETING

24.0

- .1 In lieu of prosecution under this by-law, the MJSB may issue to any person it believes, upon reasonable grounds, has committed an offence under this by-law a Notice of Alleged Violation allowing the person to whom it is directed to avoid possible prosecution by means of the voluntary payment of a sum of money.
- .2 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 MJSB 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.
- .3 Nothing in this by-law requires the MJSB to issue a Notice of Alleged Violation in lieu of initiating a prosecution in relation to an alleged violation.

REPEAL

25.0 The Solid Waste Collection and Disposal By-law of the Municipality of the District of Lunenburg

adopted by Municipal Council on February 19, 2014 and amended on June 24, 2014 is hereby repealed and replaced with this new By-law.

Annotation for Official By-law Book	Date of Adoption
Date of First Reading: Date of Advertisement:	
Date of Second Reading: *Date of Advertisement:	
Date of mailing to Minister a Certified copy of By-law:	
I certify that this " <i>Solid Waste Collection and Disposal By-law</i> " was adopted by Council and published as indicated above.	
_____ Sherry Conrad, Municipal Clerk	_____ Date
*Effective Date of the By-law unless otherwise specified in the By-law.	

MUNICIPALITY OF LUNENBURG
A By-law Respecting
SOLID WASTE COLLECTION AND DISPOSAL

DEFINITIONS

- 1.0 Words used in this by-law shall take their meaning from their context and from dictionaries of the English (Canadian) language, except as follows:
- .1 "BLUE BAG RECYCLABLES" means glass jars and bottles, tins, aluminium cans, plastic bottles, rigid plastic containers, plastic bags, film stretch and pallet wrap, and milk and juice containers. Other materials may be identified, from time to time, by the MUNICIPALITY.
 - .2 "BRANCHES and LIMBS" means branches, limbs and brush.
 - .3 "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.
 - .4 "BULKY WASTE" **means large items** including but not limited to: vacuum cleaners, upholstered furniture, wooden furniture, mattresses, box springs and porcelain bathroom items such as toilets and sinks.
 - .5 "CLEAN-UP WASTE" means any solid waste excluding compostable materials, paper, household waste, blue bag recyclables, household hazardous waste and asphalt shingles, but including discarded appliances, metal items, white goods, wooden pallets, barrels (whether metal, plastic or wooden), artificial Christmas trees, car parts and furniture.
 - .6 "COLLECTABLE WASTE" **means those wastes which are eligible for collection, within the volume and other restrictions elsewhere in this by-law, on regularly-scheduled collection days and consists of the following categories:**
 - i) compostable materials (as defined herein);
 - ii) recyclables (as defined herein);
 - iii) residual waste (as defined herein);
 - iv) paper (as defined herein);
 - v) privacy bag (as defined herein). [amended July 10/14]
 - .7 "COMMERCIAL CONTAINER" **means any container used for the storage of properly sorted** solid waste excluding household hazardous waste generated from multi-residential, institutional, commercial, industrial or other premises within the Municipality 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.
 - .8 "COMPOSTABLE MATERIALS" means vegetable peelings, dairy products, meat, fish and shellfish, egg shells, bones, waste food products, coffee grounds and filters, grass trimmings, leaves, garden waste, ashes or soot, soiled and wet paper, table napkins, paper towels, pizza boxes, household cooking oil, household grease and fat, BRANCHES and LIMBS, untreated wood sawdust, wood chips and wood shavings. Other materials may be identified, from time to time, by the Municipality.

- .9 “CONSTRUCTION OR DEMOLITION MATERIALS” means left-over material generated as a result of any form of construction or renovation and materials generated from demolition activity including but not limited to: asphalt, brick, mortar, polystyrene or fibreglass insulation, cellulose, drywall, plaster, shingles, metal and scrap wood – 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.
- .10 “COUNCIL” means the council of the Municipality of the District of Lunenburg.
- .11 “CURB” means that portion of the public road right-of-way between the travelled portion or parking area and the property line, which parallels the street centre line.
- .12 “DISPOSE” means any form of disposal of any material, including solid waste as defined herein: deposit, storage, placement, burning or burial regardless of whether or not the material being, or having been, deposited, stored or placed is in a box, bin, container, barrel, or any other containment device.
- .13 “DESIGNATED ELECTRONIC PRODUCTS” means designated electronic products as described 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.
- .14 “DWELLING UNIT” means a room or series of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.
- .15 “ELIGIBLE PREMISES” means those properties within the Municipality, which are eligible for collection services - up to the maximum restrictions, outlined elsewhere in this by-law – and includes all properties in the Municipality including properties located on private roads.
- .16 “HAULER” means any company or person who transports solid waste within the Municipality or within the boundaries of the municipal member units of the LRCRC (defined herein).
- .17 “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, BBQ propane tanks and small propane cylinders or canisters such as those used for camp stoves or propane torches and marine flares. [amended July 10/14]
- .18 “LRCRC” means the Lunenburg Regional Community Recycling Centre which is a solid waste management facility and is located at 908 Mullock Road, Whynott’s Settlement and its designated operator or its successor should there be a name change.
- .19 “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.

- .20 "MUNICIPALITY" means the Municipality of the District of Lunenburg.;
- .21 "MUNICIPAL ENGINEER" means the Director of Engineering and Public Works or his accredited representatives.
- .22 "NATURAL CHRISTMAS TREE WASTE" means discarded non-artificial Christmas trees.
- .23 "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.
- .24 "OCCUPANT" means any person who, in addition to or instead of the owner, resides in or is the lessee of, whether by way of verbal or written lease or other arrangement, a building or on a property located within the Municipality and includes any assignee or legal representative of same.
- .25 "ONE-SIDED COLLECTION" means collection of solid waste from only one side of a Public Highway.
- .26 "OWNER" means to the owner of property and includes a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building and, in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or building; and, in the absence of proof to the contrary, the person assessed for the property.
- .27 "PAPER" means newspapers, flyers, magazines, catalogues, boxboard, flattened corrugated cardboard, bond paper, computer paper, hard cover books (covers removed), 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, Third Class Mail and other materials as are identified, from time to time, by the Municipality.
- .28 "**PRIVACY BAG**" means residual waste which has been placed for collection subject to special requirements elsewhere in this by-law; [amended July 10/14]
- .29 "RESIDUAL WASTE" means broken bottles, crockery and glassware – subject to special requirements elsewhere in this bylaw – and floor sweepings, pet litter, light bulbs, disposable diapers, hygiene items, discarded clothing and furnishings, 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 goods and other household waste.
- .30 "SOLID WASTE" means compostable materials, blue bag recyclables, paper, household waste, clean-up waste, construction or demolition materials, household hazardous waste, and residual waste – all as defined herein – and any other waste or discarded tangible personal property.
- .31 "UNACCEPTABLE WASTE" means all material other than solid waste or clean-up waste and, without limiting the generality of the foregoing, includes:

- i) highly combustible or explosive materials including, without limiting, flares, fireworks, celluloid cuttings, motion picture film, oil or gasoline soaked rags, gas containers, chemicals, acids or other combustible residues, 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) a whole or part carcasses of domestic ruminants, including cattle;
- iv) waste listed or characterized as hazardous by any Federal or Provincial law – other than household hazardous waste as defined herein;
- v) designated electronic products;
- vi) solid waste generated, or originating from, outside the Municipality without prior approval;
- 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 pumpings, raw sewage or industrial sludge;
- xi) radioactive materials;
- xii) contaminated soil;
- xiii) all passenger tires up to 24.5 inches as per the Tire Management Program with the Resource Recovery Fund Board of Nova Scotia;
- xiv) industrial waste from factories or manufacturing processes;
- xv) manure, kennel waste, excreta, fish processing waste;
- xvi) lead-acid automotive batteries and propane tanks;
- xvii) waste which has been placed for collection but not in accordance with the provisions of this bylaw; and
- xviii) materials banned from landfill disposal by the N.S.E. *Regulations Respecting Solid Waste-Resource Management, November, 1995, as amended* – other than recyclable materials or organic materials from eligible premises.

- .32 "WHEELED AERATED CART" shall be of either 140 litre capacity, 240 litre capacity or other municipally approved capacity, and manufactured by SSI Schaefer or Municipality approved equivalent.
- .33 "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.

COLLECTION

2.0 Collection of solid waste shall be as follows:

- .1 A collection for residual waste, compostable materials, blue bag recyclables and paper shall be made at least once in every fourteen (14) days, commencing at the hour of seven o'clock in the forenoon (7:00 a.m.), provided, however, that when a holiday occurs, as indicated on the collection calendar, on a collection day, such collections shall be made on the following Saturday, unless otherwise specified by the Municipal Engineer.
- .2 Collection shall include all properties in the municipality which abut a public listed and maintained road, which generate for disposal, quantities of solid waste not exceeding the limits specified in section 7.0.
- .3 Where a property does not abut a public listed and maintained road, and in areas of private roads where the owner has a long driveway, on island or in other circumstances where conventional collection may be impractical, the owner may transport eligible solid waste to the nearest public listed and maintained road for collection.
- .4 Collection of clean-up waste shall be at least once in the spring and once in the fall of each year, the exact date of which shall be specified by the Municipal Engineer.
- .5 Collection of properly-prepared natural Christmas trees, per restrictions noted elsewhere in this by-law, shall take place annually in the month of January on a date to be specified by the Municipal Engineer.
- .6 For the purpose of Section 2, the schedule of, and exact dates for, collection shall be published in a calendar distributed to owners - which will also be posted on-line – and any other collection dates will be published in a local newspaper and/or advertised on a local radio station.

REQUIREMENTS TO STORE AND DISPOSE OF SOLID WASTE

3.0

- .1 Every owner shall:
 - a) Provide containers for solid waste storage.
 - b) All collectable waste to be collected by the Municipality shall be accessible to the contractor within 3 metres (approximately 10 feet) of the curb, placed in such a manner as to not interfere with pedestrian traffic and snow removal.

- c) Maintain all containers that are not disposable in good repair and in sanitary condition.
- d) Place collectable waste for collection only in containers of the type and meeting the standards set forth in Section 4.
- e) Be responsible for the disposal of solid waste generated from his property, including solid waste generated by occupants having use of the property.

STORAGE FOR SOLID WASTE COLLECTION

4.0

- .1 For the purpose of this Section, containers for solid waste "Storage" shall mean the following:
 - a) For blue bag recyclables:
 - i) Securely tied, blue-tinted transparent plastic waterproof bags of a dimension no smaller than 25 centimetres by 40 centimetres (10 by 16 inches), nor greater than 76 centimetres by 122 centimetres (30 by 48 inches), and shall not exceed a weight of 25 kilograms (55 lbs). All materials must be clean.
 - b) For paper:
 - i) Placed in plastic, clear and transparent or low-density polyethylene opaque waterproof bags (shopping bags), securely tied, of a dimension no smaller than 25 centimetres by 40 centimetres (10 by 16 inches); nor greater than 76 centimetres by 122 centimetres (30 by 48 inches) and shall not exceed a weight of 25 kilograms (55 lbs.) per bag.
 - c) For compostable materials
 - i) wheeled aerated cart;
 - ii) for leaves only, plastic, clear and transparent, waterproof bags, securely tied or paper bags, of a dimension no smaller than 66 centimetres by 91 centimetres (26 by 36 inches) nor greater than 76 centimetres by 122 centimetres (30 by 48 inches) and shall not exceed a weight of 25 kilograms (55 lbs.) per bag; and,
 - iii) for leaves only, a maximum of three (3) bags per collection. This maximum increases to four (4) bags if no wheeled aerated cart is put out that day.
 - d) For Christmas tree waste
 - i) Cut into pieces and placed into the wheeled aerated cart; or
 - ii) shall be bundled and tied, and shall not exceed 0.9 metres (36 inches) in length; and
 - iii) shall not have decorations, ornaments, wire or nails attached; and
 - iv) weigh not more than 25 kilograms (55 lbs) per bundle.
 - e) For branches and limbs

- i) Cut into pieces and placed into the wheeled aerated cart; or
 - ii) shall be bundled and tied; and
 - iii) shall not have any wire or nails attached; and
 - iv) weigh not more than 25 kilograms (55 lbs) per bundle; and
 - v) individual pieces shall not be more than 50 mm (2 inches) in diameter; and
 - vi) be less than 0.9 meters (36 inches) in length.
- f) For residual waste (all other waste):
- i) Water tight metal or plastic cans:
 - 1) equipped with a tight fitting cover of metal, plastic or other impermeable material; and
 - 2) equipped with handles; and
 - 3) filled to a height not exceeding 5 centimetres (2 inches) below the top of the container; and
 - 4) shall not exceed a weight of 25 kilograms (55 lbs); and
 - 5) shall not exceed a volume of 100 litres, and shall not include cardboard drums, oil drums, paint containers or lard containers; or
 - ii) Placed in plastic, single use, waterproof, clear transparent bags, free from colour, of a dimension no smaller than 66 centimetres by 91 centimetres, (26 by 36 inches) nor greater than 76 centimetres by 122 centimetres (30 by 48 inches), and shall not exceed a weight of 25 kilograms (55 lbs). [amended July 10/14]
- g) For privacy bag
- i) Placed in a plastic, single use, waterproof opaque bag with a dimension no smaller than 66 centimetres by 91 centimeters (26 by 36 inches) nor greater than 76 centimeters by 122 centimeters (30 by 48 inches) and shall not exceed a weight of 25 kilograms (55lbs). [amended July 10/14]

.2 Items placed for CLEAN-UP WASTE COLLECTION:

- a) Shall be packaged/bundled/boxed in such a manner so as to allow for pick-up and collection, and not include any compostable materials, blue bag recyclables, paper, household waste or natural Christmas trees;
- b) an oil tank is eligible for clean-up waste collection only if it is from a residence, does not exceed

910 litres (200 gallons) in capacity and has been cleaned and cut in half;

- c) a refrigerator, freezer, dehumidifier or air conditioner shall display a sticker, issued by the appropriate authority, indicating that any Freon, other refrigerant gas, coolant or chlorofluorocarbon (CFC) has been removed and any refrigerator or freezer shall have its doors already removed; and,
- d) No person shall place, or caused to be placed, clean-up waste consisting of small quantities of construction or demolition materials – and all other clean-up waste including oil tanks, metal fencing, bulky waste, barrels, pallets and white goods – out for collection except on a day designated by the municipal engineer for collection of same and in accordance with the following restrictions:
 - i) such waste shall be packaged, bundled or boxed so as to facilitate removal and handling;
 - ii) any scrap wood shall be placed separately during the day designated by the Municipal Engineer for clean-up collection;
 - iii) scrap wood shall not exceed 4 cubic metre (5.2 cubic yards) per clean-up collection;
 - iv) bulky residual waste and metal items shall be placed together during the day designated by the Municipal Engineer for clean-up collection and shall not exceed 4 cubic metres (5.2 cubic yards) per clean up collection;
 - v) each individual package, bundle or box shall not exceed 140 kgs (308 lbs) in weight; and,
 - vi) each individual package, bundle or box shall not exceed 1.8 m (6 feet) in any dimension.

PREPARATION OF SPECIFIC WASTES

5.0

- .1 a) For BROKEN BOTTLES, CROCKERY OR GLASSWARE
 - i) Broken bottles, crockery and glassware shall be sealed in a box or a bucket and clearly identified– by noting, in large capital letters, on the outside of the bundle the words “broken glass” – a warning to the contractor.
- b) For ASHES OR SOOT
 - i) Ashes or soot shall be completely cooled for a minimum of four (4) weeks, then wetted down before depositing in the wheeled aerated cart.
- c) For NATURAL CHRISTMAS TREES
 - i) It is to be unpackaged and undecorated, including the removal of all lights and any tree stand;

- ii) shall not exceed 3 m (approx. 10 ft) in length;
 - iii) no person shall place, or cause to be placed, any natural Christmas tree out for collection before 5:00 p.m. of the day immediately preceding the day designated for collection of same;
 - iv) no person shall place, or cause to be placed, any natural Christmas tree out for collection after 7:00 a.m. of the day designated for collection of same;
 - v) each single-unit building shall place two natural Christmas trees for collection;
 - vi) each multi-unit building shall place one natural Christmas tree per unit, plus one additional natural Christmas tree for collection; and,
 - vii) commercial natural Christmas tree producers may not place unsold trees for collection.
- d) For CARDBOARD
- i) for cardboard only, flattened, securely tied bundles, of dimension no greater than 91 centimetres (36 inches) by 61 centimetres (24 inches) by 61 centimetres (24 inches) and shall not exceed a weight of 25 kilograms (55 lbs.) per bundle.

WHEELED AERATED CARTS

6.0

- .1 Every owner shall:
- a) use only a wheeled aerated cart for the storage of compostable materials for collection, except as otherwise permitted in clauses 4 1(c) and (d);
 - b) maintain the wheeled aerated cart in good repair and sanitary condition; and,
 - c) wheeled aerated carts must remain on the property parcel for which it was assigned in accordance with the **Municipality's** policy mdl-44. The freely distributed wheeled aerated cart shall remain on the property when a householder sells a property. Care and use will be the responsibility of the householder or occupant.
- .2 The number of carts required by each owner shall conform to the following minimum criteria:
- a) single-unit dwelling 1 - 140 litre capacity cart per dwelling unit
or
 - b) duplex dwelling 1 - 140 litre capacity cart per dwelling unit
or
 - c) semi-detached dwelling 1 - 140 litre capacity cart per dwelling unit
or

- d) dwellings of 3 to 6 units or 1 - 140 litre capacity cart per dwelling unit
- e) dwellings having 6 units or Minimum carts and capacities greater to be determined by Municipal Engineer.

VOLUME AND WEIGHT PERMITTED

7.0

- .1 Collectable waste placed for collection:
 - a) Shall not exceed 140 kilograms (308 lbs) in total per dwelling unit per collection day and no single item may weigh more than 25 kilograms (55 lbs);
 - b) Shall not exceed 4 cubic metres (5.2 cubic yards) in total volume per dwelling unit per collection day; and,
 - c) No person shall place, or cause to be placed, more than one (1) wheeled aerated cart per any one dwelling unit out for collection on any one-collection day and the total weight of the cart and its contents shall not exceed 120 kilograms (approx. 265 lbs.).
 - d) No person shall place, or cause to be placed, more than one (1) privacy bag per any one dwelling unit out for collection on any one collection day. [amended July 10/14]
 - e) 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 the one (1) privacy bag as outlined elsewhere in this bylaw. [amended July 10/14]
- .2 Clean-up waste individual pieces shall not exceed 140 kilograms (308 lbs) in weight or over 1.8 metres (72 inches) in any dimension up to a maximum of 4 cubic metres (5.2 cubic yards) per dwelling unit per collection day.

PLACEMENT OF CONTAINERS FOR COLLECTION

8.0

- .1 All collectable waste to be collected by the Municipality shall be accessible to the contractor within 3 metres (approx. 10 feet) of the curb or other such location as may be required from time to time, including one-sided collection, and placed in such a manner as to interfere as little as possible with pedestrian or vehicular traffic and snow removal.
- .2 a) Permanent containers or boxes for the storage of collectable waste between collections shall:
 - i) be a solid container with a tight fitting cover. The container shall be a maximum height of 91 centimetres (3 feet), or shall provide a hinged front door. It shall be filled to a height not exceeding 5 centimetres (2 inches) below the top of the container. There shall be no loose solid waste stored in any container. The immediate vicinity of the container shall be kept neat and free of any solid waste;

- ii) be maintained in good repair;
 - iii) not present a hazard to individuals or traffic;
 - iv) be located in such a manner as to not interfere with traffic or snow removal;
 - v) be appropriately located with respect to one-sided collection; and,
 - vi) lids shall be securely hinged, not have a self-locking latch and shall have a support to hold the lid open while the contents are being emptied.
- b) No wheeled aerated cart shall be stored inside a container or box, unless the cart can be wheeled out without lifting, or is removed from the container or box by the owner for collection.

RESPONSIBILITIES OF OWNERS AND OCCUPANTS

9.0

.1

- a) Ensure that collectable waste and clean-up waste are placed for collection in accordance with this by-law;
- b) clean up any type of solid waste which has escaped from its container;
- c) store any waste refrigerator or freezer either inside an enclosed and locked building or with the doors of the refrigerator or freezer removed;
- d) ensure the proper preparation of all solid waste in accordance with this by-law; and
- e) abide by all lawful directives of the Municipality, or designated agents with regard to the handling of solid waste materials.

REJECTION OF WASTE

10.0

- .1 Any type of solid waste which has been set out for collection is subject to inspection by the Municipality, or its designated agent and any such solid waste found or deemed by same to be set out in violation of the requirements of this by-law may be rejected and not collected.
- .2 Any solid waste which is so rejected will 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.
- .3 No person shall permit any rejected materials to remain at the collection placement spot after 12:01 a.m. on the day after collection.
- .4 Any rejected solid waste, as designated by a rejection sticker, shall remain the property of the owner.

TIME FOR REMOVAL OF CONTAINERS

- 11.0
- .1 No owner shall permit solid waste to remain in front of the said building and adjacent to or at the curb except between 5:00 p.m. on the day previous to collection and 12:01 a.m. on the day after collection.
 - .2 Solid waste placed for collection in a manner contrary to the provisions of this by-law shall not be collected and such solid waste shall be removed no later than 12:01 a.m. on the day after collection.
 - .3 Notwithstanding subsections 11.1 and 11.2, solid waste set out during scheduled collection as fall and spring clean-up **waste may be placed for collection no more than 4 calendar days prior to the owner's regular date of collection.**

COMMERCIAL CONTAINERS

- 12.0
- .1 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; 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;
 - c) be kept in a clean manner;
 - d) be kept in a state of good repair;
 - e) have displayed thereon the name and telephone number of the owner of the container and the type of material to be deposited therein;
 - (f) have displayed thereon the following **message "garbage" or "landfill"**, where institutional, commercial or industrial waste is to be deposited in the commercial container;
 - (g) have displayed thereon the following **message "recyclables"**, where blue bag recyclables are to be deposited in the commercial container;
 - (h) have displayed thereon the following **message "paper or cardboard"**, where fibre recyclables are to be deposited in the commercial container; and,
 - (i) have **displayed thereon the following message "organics"**, where organic materials are to be deposited in the commercial container.
 - .2 An owner or occupant 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.

- .3 An owner or occupant 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.

HAULERS

13.0

- .1 All private collections of solid waste shall be undertaken in compliance with relevant Federal/Provincial/Municipal statutes and regulations.
- .2 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, as they enter the LRCRC front gates;
 - 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 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.
- .3 All private collection of any solid waste shall be made directly to the private collection vehicle from the premises where the same was generated.
- .4 all solid waste collected through private collections, and which is to be delivered to the LRCRC, shall be in compliance with the Regulations promulgated by the operator of the LRCRC regarding acceptance and receipt of solid waste at the LRCRC.
- .5 In the event of any spillage, the vehicle operator shall be responsible for the clean-up, which shall be undertaken immediately.

DESIGNATED ELECTRONIC PRODUCTS

14.0

- .1 No person shall place designated electronic products out for collection.
- .2 Every owner or occupant may deliver designated electronic products to a recognized electronics return

collection facility in Nova Scotia for reuse and recycle.

HOUSEHOLD HAZARDOUS WASTE

15.0

- .1 Every owner or occupant shall store any household hazardous waste generated by same in a safe and secure manner and place and shall deliver same, as soon as is reasonably possible, to the Household **Hazardous Waste Depot ("HHW Depot")** at the LRCRC.
- .2 No person shall dispose of, or cause or permit the disposal of, household hazardous waste at any location within the Municipality.

CONSTRUCTION OR DEMOLITION MATERIALS

16.0

- .1 Every owner or occupant shall deliver any construction or demolition materials – over and above those collected by the Municipality – to the appropriate area or site within the LRCRC or an approved C&D debris disposal site.
- .2 No person shall dispose of construction or demolition materials by stock-piling, storing or any other method.

LUNENBURG REGIONAL COMMUNITY RECYCLING CENTRE

17.0

- .1 The Municipality has designated, by resolution, the Lunenburg Regional Community Recycling Centre ("**LRCRC**") as the **receiving site** for solid waste generated by its residents – within the restrictions as set in this by-law and other restrictions as set by the operator of LRCRC.
- .2 The operator or other authorized staff of the LRCRC may refuse to accept a load of solid waste for the following reasons:
 - a) The load is comprised of, or contains, solid waste other than the type of solid waste which the LRCRC has been approved to accept; or
 - b) It is a load for which a tipping fee has not yet been set or negotiated with the solid waste generator or hauler; or
 - c) It is a load for which a tipping fee has not yet been paid to the LRCRC; or
 - d) It is a load for which tipping fee payment arrangements satisfactory to the operator or authorized staff have not yet been made.
- .3 No person shall dispose of, or cause or permit the disposal of, any type of solid waste around or adjacent to the LRCRC in the following circumstances:
 - a) when the LRCRC is not open and operational; or
 - b) after the operator or authorized staff of the LRCRC has refused to accept same.

- .4 All private collection vehicles shall:
- a) 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 the LRCRC front gates to the scale house.

LEGAL and ILLEGAL DISPOSAL

18.0

- .1 With the exception of the placement of solid waste for collection in accordance with this by-law, the delivery of designated electronic products or household hazardous wastes to depots or other disposals allowed for in this by-law, no person shall dispose of, or cause or permit the disposal of, solid waste, clean up waste or unacceptable waste at any location or manner in the Municipality 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 By-laws to the contrary, the disposal aggregate, soil, bricks, mortar, concrete, asphalt pavement, porcelain or ceramic materials as fill in such a manner as to not constitute a nuisance.
- .2 No person shall dispose of, or cause or permit the disposal of, any solid waste in a permanent container or box for storage of solid waste unless that person is, or has the permission of, the owner of said container or at a box or collection placement spot approved by the Municipality for another owner or occupant.
- .3 no person shall dispose of, or cause or permit the disposal of, any unacceptable waste or rejected solid waste in, at or near a permanent container or box for storage of solid waste or collection placement spot approved by the Municipality for another owner or occupant.
- .4 No person shall dispose of, or cause or permit the disposal of, construction or demolition materials at any location other than at the LRCRC or an approved C&D debris disposal site.
- .5 Proof that any type of solid waste, which was disposed of in contravention of this by-law, originated from a particular person, from the residence of a particular person, or from a particular premises 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

19.0

- .1 Where an owner or occupant properly places any authorized form of solid waste out for collection by the Municipality's contractor, the said solid waste becomes the property of the Municipality and only authorized personnel are permitted to remove same; except under circumstances stated below of this by-law.

- .2 No person shall pick over, remove, collect, disturb or otherwise interfere with any type of solid waste or which has been placed out for collection.
- .3 The prohibitions in the above two sections do not apply to:
 - a) the person who placed the solid waste for collection; or
 - b) waste wood material, appliances or furniture; and any other materials placed out for clean-up waste collection. When removal of such materials is undertaken, remaining materials must be left in an orderly manner, which does not interfere with pedestrian or vehicular traffic.
- .4 No person shall dispose of any type of solid waste by the burning of same.
- .5 No person shall place any type of solid waste generated from outside the Municipality for collection at a designated collection location for an owner within the Municipality.

EXPORT OF SOLID WASTE

- 20.0
- .1 No person shall transport any type of solid waste generated within the Municipality to any location other than the LRCRC site or outside the boundaries of the area served by the LRCRC but for the following exceptions:
 - a) construction or demolition materials to an approved C&D debris disposal site;
 - b) **“direct haul”** of residual waste to Kaizer Meadow, an approved solid waste disposal site, only when authorized by the operator of LRCRC;
 - c) designated electronic products which may be taken to a recognized electronics return collection facility in Nova Scotia; and
 - d) any other special arrangement authorized in writing by the operator of the LRCRC.

ENFORCEMENT AND PENALTIES

- 21.0
- .1 Any person who disposes of, or permits the disposal of, any solid waste including construction or demolition materials and/or residual 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 One Thousand (\$1,000.00) 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.
 - .2 Any person who violates any other provision of, or permits any other thing to be done in violation of, this by-law is guilty of a summary offense and is liable, upon conviction, to the following:
 - a) for a first offense, a fine of not less than Two Hundred and Fifty Dollars (\$250.00) 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 and Fifty Dollars (\$350.00) 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; and,
 - 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.
- .3 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 Five Hundred Dollars (\$500.00) and not more than Five Thousand Dollars (\$5,000.00), and in default of payment to a term of imprisonment not to exceed ninety (90) days.
- .4 Where a person is convicted of an offence under this by-law and the court is satisfied that, as a result of the commission of the offence, clean-up or site remediation costs were incurred, whether by the 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.
- .5 Pursuant to the provisions of the *Municipal Government Act*, in addition to a fine imposed for violation of this by-law, a judge may order the imposition of a penalty in relation to any fee, cost, rate, toll or charge associated with the conduct that gave rise to the offence.
- .6 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 by-law within a specified time.
- .7 Each day that a person commits any offence under this by-law constitutes a separate offence.
- .8 Where a breach of this by-law is anticipated or is of a continuing nature, the Municipality may, pursuant to the provisions of the *Municipal Government Act*, apply to a judge of the Supreme Court of Nova Scotia for an injunction or other order and the judge may make any order that the justice of the case requires.

ADMINISTRATIVE TICKETING

22.0

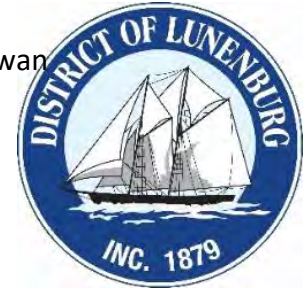
- .1 In lieu of prosecution under this by-law, the Municipality or its designated agent may issue to any person it believes, upon reasonable grounds, has committed an offence under this by-law a Notice of Alleged Violation allowing the person to whom it is directed to avoid possible prosecution by means of the voluntary payment of a sum of money.
- .2 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 Municipal 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.

- .3 Nothing in this by-law requires the Municipality to issue a Notice of Alleged Violation in lieu of initiating a prosecution in relation to an alleged violation.

REPEAL

23.0 The Solid Waste Collection and Disposal Bylaw of the Municipality of the District of Lunenburg passed by resolution of Municipal Council on the 21st day of December 1999, was repealed and replaced on February 19, 2014 with the new Solid Waste Collection and Disposal By-law.

Annotation for Official By-law Book	Date of Adoption February 19, 2014
Date of First Reading:	<u>May 27, 2014</u>
Date of Advertisement - Notice of Intention to Amend:	<u>June 04, 2014</u>
Date of Second Reading:	<u>June 24, 2014</u>
*Date of Advertisement of <u>Amendments</u> to By-law:	<u>July 2, 2014</u>
Date of mailing to Minister a Certified copy of By-law:	<u>July 10, 2014</u>
<p>I certify that this "<i>Solid Waste Collection and Disposal By-law</i>" was adopted by Council and published as indicated above.</p> <p>_____</p> <p>April Whynot-Lohnes, Municipal Clerk</p> <p>_____</p> <p>Date</p>	
*Effective Date of the By-law unless otherwise specified in the By-law.	



Municipality of the District of Lunenburg

Request for Decision

REPORT TO: Policy & Strategy Committee
SUBMITTED BY: Sherry Conrad, Municipal Clerk
DATE: January 21, 2020
RE: **2020 Municipal Election**

RECOMMENDATION

1. that the Policy & Strategy Committee recommends to Council that Municipal Council approve the hiring of a Returning Officer and an Assistant Returning Officer for the 2020 Municipal Election;
2. that the Policy & Strategy Committee recommends to Council that Municipal Council establish the 2020 Election Office at 373 King Street, Bridgewater, commencing May 1, 2020;
3. that the Policy & Strategy Committee recommends to Council that Municipal Council authorize the Returning Officer to contact Elections Nova Scotia to request the use of the Provincial Voters List for the 2020 Municipal Election and authorize the Municipal Clerk to enter into an Agreement with the Province of Nova Scotia for same; and,
4. that the Policy & Strategy Committee recommends to Council that Municipal Council authorize the Chief Administrative Officer to establish the Tariff of Fees and Expenses for the 2020 Municipal Election and that Council be provided with a report on same.

EXECUTIVE SUMMARY

The 2020 Municipal Election will be held on October 17, 2020. In order to prepare for the Election, Council needs to make decisions regarding the hiring of a Returning Officer and an Assistant Returning Officer, office location, enumeration or use of Provincial Voters List for the Municipal Voters List and establishment of Tariff of Fees and Expenses.

DISCUSSION

Hiring of Returning Officer

Council felt it was to the Municipality's advantage over the past three elections (because of the time commitment required for this position) to fill the position of the Returning Officer (RO)

externally. The Municipality of the District of Lunenburg is a large geographic area and the duties of the RO are significant and carry a huge responsibility. The *Elections Act* identifies the following duties of the RO:

- Overseeing and directing the administrative conduct of the election
- Appointing and instructing other election officers (enumerators, revising officers, deputy returning officers, poll clerks)
- Appointing and instructing substitute election officers where needed
- Setting up polling stations
- Requiring election officers to be fair and impartial in their duties
- Performing any other duties required by legislation.

For the 2016 Municipal and School Board Election, Council approved hiring the Returning Officer at an hourly wage of \$23.03 with employment commencing in January. The Returning Officer did not start working until February 17th. This schedule worked out; therefore, it is being recommended that employment for the position commence on March 2, 2020 and that the hourly rate be set at \$25.00 which is the 2016 salary with an 8% increase rounded to the nearest dollar.

Hiring of Assistant Returning Officer (ARO)

MODL also hired an ARO who provided assistance to the RO in carrying out their duties and acted as returning officer in the absence or at the request of the RO. It is important for Council to appoint an assistant in case of illness, or other related situations that may hinder the RO performing the duties. This will also ensure that Council meets the deadlines for appointments. The ARO role involves a tremendous amount of typing, data entry, organizing, and filing, preparing packages for candidates and working on arrangements for the polling stations.

For the 2016 Municipal and School Board Election, Council approved the hiring of an Assistant Returning Officer at an hourly rate of \$18.21 with employment commencing in March. The Assistant Returning Officer did not start employment until May 17th. This schedule worked out; therefore, it is being recommended that employment for the position commence on May 4, 2020 and that the hourly rate be set at \$20.00 which is the 2016 salary with an 8% increase rounded to the nearest dollar.

Establishment of Elections Office

The 2016 Elections Office was established at the MARC Administration Building. As the Municipality owns the building there was no rental fee. There were a number of issues identified setting up the Elections Office at the MARC, the main one being that it is not wheelchair accessible. As well, during the summer months when Recreation staff are working, the building is very busy and there is no privacy.

Staff reviewed rental fees for office space for Bridgewater, Hebbville area and Exit 12. Two offices and a meeting room would be required. Rental fees ranged from \$400/month per office to \$1,800/month. A month-to-month lease would be required from May 1 to October 31, 2020.

It is recommended that office space be leased at 373 King Street in Bridgewater, the current location of offices for MODL's Business Development, Tourism and Infrastructure staff, the REMO Coordinator and the Manager of Wastewater Services. The owner of the building has agreed to lease two office from May 1 to October 31, 2020 for \$800/month.

The advantage of leasing office space at this location is that there are already Municipal staff located at this building and there is access to a photocopier and municipal internet. This location also provides the staff with access to a meeting room and a kitchenette.

Use of Provincial Voters List

A Preliminary List of Voters must be completed by July 31, 2020. Municipal Council will need to make a decision as to the method of deriving voter data so the list can be completed by this deadline. For the 2016 election, the decision was made to use the Provincial List of Electors. This method worked very well. In 2012, the decision was made to enumerate and in 2008, the decision was to use the Provincial election list.

The costs associated with enumeration versus other lists have traditionally been higher. Enumeration requires supplies, clerical staff and enumerators whereas using the Provincial list requires Elections staff to manipulate the data and update the list and for IT services to transfer the Provincial list to a database that municipal staff can manipulate. The cost for enumeration for the 2012 Municipal Election was approximately \$26,000.

The last Nova Scotia Provincial Voters List was prepared for the May 2017 Election. Intelivote was used for the E-voting services in 2016 and they offered the ability to import elector information from Elections Nova Scotia's Provincial Voters List.

The cost for enumeration for the 2020 Municipal Election will be at least \$30,000 where the cost to use the Provincial Voters List will be at no additional cost as the work required will be carried out through Election staff.

Establishment of the Tariff of Fees and Expenses

Section 139(1A) of the *Municipal Elections Act* allows Council to delegate its authority to make, revise and amend the tariff of fees and expenses and to provide for a method of rendering and verifying accounts for payment to the Clerk or Chief Administrative Officer.

Tariff of fees and expenses pertain to: Deputy Returning Officers (DRO), Poll Clerks, Polling Location Rentals, Training for DROs and Poll Clerks.

Concern has been expressed in the past with regard to the amount paid to DROs and poll clerks as being a possible deterrent in not being able to get poll workers. Staff will ensure the rates paid are comparable to other municipal units but still remain within our budget. A report will be provided to Council so that Councillors are aware of the tariffs of fees to be provided to election workers.

BUDGET IMPLICATIONS

Municipal Council allocates funds yearly in a reserve during non-election years to finance expenditures in an election year. As of March 31, 2020, there will be \$113,000 in that reserve towards the cost of the 2020 Municipal Election. The cost for the 2016 election was \$160,470.38.00. During the last election, the Municipality was able to recover some costs from the School Board for their elections. This election, there will only be a Conseil scolaire acadien provincial (CSAP) Election. A race was not held for this seat during the last election as it was acclaimed. If it is not acclaimed for the 2020 Election, MODL will be able to recover some costs through CSAP.

The recommendations coming forward will have increases realized in wages and office expenditures for rent for the Election Office. If Council chooses to do an enumeration instead of using the Provincial Voters List, there will be an additional cost of approximately \$30,000 in the budget.

STRATEGIC PLAN

N/A

WORK PLAN

The 2020 Municipal Election is required, and the work will be incorporated into staff's workload.

ALTERNATIVES

1. Do an enumeration versus using the Provincial Voter's List.
2. Council set the tariff of fees and expenses

CONCLUSION

Having Council's approval in advance will provide the opportunity for staff to begin preparations in the recruitment of staff, enable the setting up of the Elections Office and to commence preparations for the 2020 Municipal Election.

Department: Administration

Report Prepared By: Sherry Conrad

Date: December 11, 2019

Report Approved By: Alex Dumaresq

Date: January 6, 2020

Reviewed By CAO: Tom MacEwan

Date: January 15, 2020



Municipality of the District of Lunenburg

REQUEST FOR DECISION

REPORT TO: Policy and Strategy Committee
SUBMITTED BY: Byung Jun Kang, Planner
DATE: January 21, 2020
SUBJECT: PL190051: Private Roads By-law Review

ORIGIN

Council's direction during the Subdivision By-law review in 2018.

LEGISLATIVE AUTHORITY

Municipal Government Act, Clause 81(1)(da): The council may make by-laws imposing, fixing and providing methods of enforcing payment of charges for laying out, opening, constructing, repairing, improving and maintaining private roads, curbs, sidewalks, gutters, bridges, culverts and retaining walls that are associated with private roads, where the cost is incurred by the municipality, or under an agreement between the municipality and a person.

RECOMMENDATION

That the Policy and Strategy Committee direct staff to prepare draft amendments to the Private Streets Maintenance and Improvement By-law to address the following issues:

- (a) *the establishment of private road maintenance charge areas by Council if residents cannot follow the petition process in the existing By-law;*
- (b) *the decrease in thresholds for the petition quorum and budget approval;*
- (c) *the reduction or elimination of administrative fees;*
- (d) *the simplification of the By-law,*

and present the amendments to the Policy and Strategy Committee.

BACKGROUND

Staff hosted 6 open houses in September 2019 for members of the public to express their opinions regarding private road maintenance. Council members and municipal staff listened to the current situations, potential concerns, and ideas to make the living environment on private roads better.

Attendance

In total, 120 attendees participated in private road discussions. Some attendees visited more than one session; however, the number of duplicate attendees is less than 5.

- Open House #1 (New Germany): 30 attendees, 6 staff, 2 councillors, Mayor
- Open House #2 (New Germany): 23 attendees, 4 staff, 2 councillors
- Open House #3 (Lunenburg): 40 attendees, 4 staff
- Open House #4 (Lunenburg): 22 attendees, 4 staff, 5 councillors
- Open House #5 (Bridgewater): 3 attendees, 3 staff, 3 councillors, Mayor
- Open House #6 (Bridgewater): 2 attendees, 3 staff, 2 councillors

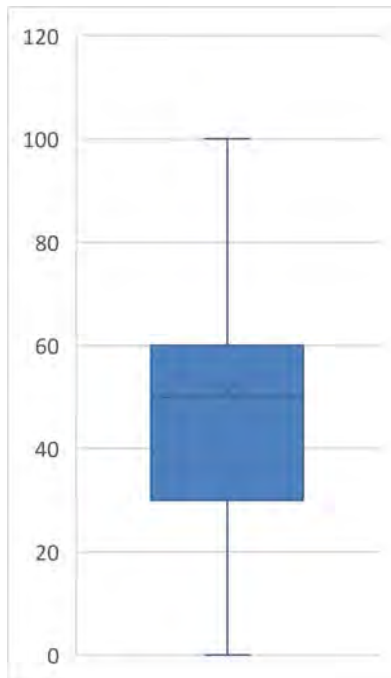
Stakeholder Engagement

Staff also reached out to the real estate agents and lawyers practicing in the region to provide materials for those seeking to purchase a property on private roads.

ANALYSIS

Staff received 219 comments through this engagement process. After reading through feedback, staff determined that the public has a large variety of opinions. To gauge the general consensus of the public, staff analyzed the comments using statistical methods. Using the methods, staff rated each comment between 0 and 100 and took the average. In general, higher ratings indicate favouring of stricter enforcement, while lower ratings indicate favouring of more relaxed enforcement. Table 1 further explains the rating process in terms of relative values assigned.

Table 1 <i>Private Road Maintenance Public Engagement Comments Rating System</i>		
Points Assigned	Answer to the Question: “Do you want the Municipality to impose minimum standards for the maintenance of all existing private roads?”	Note
83~100	Yes	Comments expressing the need for mandatory standards or the municipal ownership of all roads.
63~82	Why not?	Comments expressing the need for the revision of existing by-laws or the introduction of a bare minimum standard for private roads.
38~62	Maybe	Comments expressing the need for recommendation of road standards, guidelines, information, awareness and education by the Municipality, rather than mandatory rules.
13~37	Not really	Comments expressing the satisfaction with the existing by-laws and current process of private road maintenance, as well as the lack of problems arising from private roads
0~12	No	Comments expressing further relaxation or abolishment of existing by-laws in place.



Statistical Information

- Sample count: 219
- Population count: 5,205 (= 24,863 x 20.9%)
- Mean: 51.2 ± 6.5 (95% confidence interval)
- Median: 50.0
- Categorical distribution:
 - “Yes” 42
 - “Why not?” 8
 - “Maybe” 91
 - “Not really” 74
 - “No” 4

Figure 1. Box-and-whisker plot of the public feedback regarding the regulation on the existing private road maintenance. This chart illustrates the distribution of responses using the rating system in Table 1.

Overall, the participants had mixed opinions about this topic. While many agreed that some kind of maintenance standards are needed for ensuring public service delivery and emergency protection, they were skeptical about having those standards as mandatory clauses under by-laws. Instead, they were largely in favour of guidance from the Municipality, awareness of the existing road maintenance program, and education on the conditions living on private roads.

Identifying the general consensus was challenging due to the wide range of comments in both extremes. A lot of comments were rated the value of 50 as well, indicating that many participants were neither in favour of stricter regulations nor lack of regulations. Further discussion on the qualitative analysis is on the next section.

DISCUSSION

This section examines the qualitative aspect of comments received from the public engagement process. Comments are grouped to similar ideas for comprehensiveness.

Mandatory Regulations

Feedback asking for more enforcement on private road maintenance consisted up to 19% of the comments. In general, those comments stated the attractiveness to having standards, the mandatory formation of road associations, and even the municipal ownership of private roads.

Benefits of Municipal Services. Nicer roads and more services are a couple of reasons that make having mandatory standards attractive. Everyone would want emergency services that can protect the lives and properties of residents, and to ensure prompt delivery of such services at any time of day or at any day of year, roads must be up to certain standards. Representatives from the Emergency Health Services and a few local fuel companies also resonate with this claim; roads must be wide enough, maintained well in all seasons and equipped with proper signage to ensure the proper delivery of services.

Mandatory Road Association. Some residents also recommend the Municipality to enforce all private road residents to form road associations. Currently, no mechanism exists to encourage residents to cooperate with their neighbours. Lack of cooperation may increase the difficulties of collecting annual fees, having organized management, and even going through incorporation process. Some portions of the private road may not be maintained, some residents may refuse to pay fees, and some associations may have to proceed to Small Claims Courts to resolve legal disputes. Due to the legal and financial complexity of maintaining the associations, the management of road business can be complicated for a handful of volunteers. Should the formation become mandatory, residents can receive assistance from the Municipality for administration of fee collections and consistent road standards. Those residents expressed their delightfulness to use the Municipality to collect the fees, schedule pothole fillings and brush cuttings, to name a few.

Publicization of Private Roads. A few residents want all private roads to be charged from the general property taxes. While such is the case for other municipal services, like fire protection, the direction of Council is clear as to having no more public roads.

By-law Revision

A few suggestions were received to lower the quorum of 5 to form a private road association, as well as the thresholds for the passing of petition and annual budget to 50%, rather than 66.7% and 75.0%, respectively. The majority of properties along some private roads may be vacant, or owned by people out-of-country, in which the incorporation and budget process may become challenging. By lowering the threshold for approval, it will be easier for residents to form an association and maintain their roads through the administrative support from the Municipality.

Guidelines & Assistance Programs

Most of the residents do not want mandatory standards. While they are not opposed to having standards, they think these standards should be in place as recommendations. That way, residents can make an informed decision amongst themselves, and they can ask the Municipality if they need support.

Examples of assistance include a guideline of road standards for each service type, a standing offer or a list of contractors for maintenance services such as snowplowing and brush-cutting, a guideline of best-practices for road maintenance, a default by-law for road associations, and a Frequently Asked Questions information sheet for common legal inquiries. Most residents echoed that each private road is different, so a blanket standard may not work as intended.

Information Availability & Awareness

A few residents claim that the existing regulations and information should be more readily available to the public. They suggest the Municipality to insert a contact information on newsletters for private road inquiries, to reach out to private road associations to promote the Private Road Maintenance By-law, and to have means for the general public to be involved in private road matters. Multiple residents stated that the communication is important.

Some also suggest the engagement with the real estate agents and lawyers critical, since potential homeowners may have been misinformed prior to their purchase of homes on private roads. As a response to the feedback, staff has engaged with those in the South Shore in the field of real estate in October 2019.

Maintenance Cost

A lot of residents are hesitant with the mandatory regulations of private road maintenance due to its potential cost. While some private roads may already be on par or exceeding the maintenance standards, other roads may require significant upgrade. Roadwork requires a large lumpsum of money, so it would be a burden on a lot of residents. Population density tends to be lower on private roads, which adds to the excessive share of cost per resident. A few residents wondered if the Municipality could assist with the financing of road maintenance, including the reduction of 5% admin fee.

Road & Service Standards

22% of the feedback received was regarding clarification of the exact standards on road maintenance and current municipal services. Some of the questions include: What is the definition of private roads? What constitute as the proper standards? Who decides such levels of standards to be appropriate for each private road? Because of different views and varying opinions on what the minimum standards should be, those residents suggested against the mandatory regulations. There are also cases of inconsistent level of services, where garbage trucks refused to perform services on a road that is fully accessible by other services, like fuel delivery.

Legal Issues

A couple of residents questioned the legality of private road improvement, specifically around the widening of private roads and the acquirement of private properties. Some residents also have a question around the liability of directors. Both questions are answered under the Frequently Asked Questions section below.

Public Road Maintenance

A few residents suggested that the public roads must be on par with standards before focusing on private roads. As stated throughout the discussion sessions, some public roads are more poorly maintained than private roads, and those rights-of-ways should be dealt first. They also asked for support on the maintenance of public culverts and bridges, since such public amenities may provide for the sole access point from the private road they live on.

Satisfaction of Current Situation

Several members of the public stated their satisfaction on the status quo. They are satisfied with their current road conditions and the associations maintaining their roads. A couple of residents also added that the Municipality should not dictate private road matters. They claim that private road residents knew the risk of living on such roads, and that is fine as it was the choice of each resident.

Frequently Asked Questions

Along with the public feedback, staff received questions about private roads. Some of the commonly asked questions are answered in the following subsections.

What is the Proportion of Private Roads? In the Municipality, there are 1,581 kilometres of roads. The Province owns 1,238 km (78%), the Municipality owns 11.8 km (0.75%), and “Private Roads” owned by persons or associations are 331 km (21%).

Can the Municipality acquire properties to widen private roads? Section 224 of the *Municipal Government Act* allows the Municipality to acquire properties for the purposes of widening, altering or diverting an existing street or pathway. However, the definition of existing street is limited to public roads, not private roads or legal rights-of-way.

Who is Currently Liable? Section 27 of the *Societies Act* states that residents are not liable for any debt or liability of the private road association beyond the amount of road maintenance fee. However, Board directors may potentially be personally liable for the debts of the association. Service Nova Scotia and the MODL Recreation Department recommend consulting with an insurance company for additional information on the Directors Liability Insurance. Incorporated societies may be sued under its legal name.

STAFF RECOMMENDATION

Based on the public engagement sessions, staff recommends against establishing mandatory minimum private road standards. Concurrently, staff realizes that many residents would appreciate assistance from the Municipality to lower the barriers of operating private road associations. Staff recommends amending the existing Private Street Maintenance and Improvement By-law by implementing the following:

Renaming the Short Title. “A by-law respecting the maintenance and improvement of private streets”, or shortly known as the “Private Streets Maintenance and Improvement By-law”, is recommended to be renamed as the “Private Roads By-law”. A private right-of-way has been colloquially referred to as “a private road” in our Municipality, and the *Municipal Government Act* also refers to such right-of-way as “a private road”. Because of its short title, the by-law does not appear on search terms “private roads” on our municipal website. As such, Section 1.0 of the By-law should be amended to increase the accessibility.

Lowering the Threshold for Petition. Subsection 3.1 requires a quorum of two-thirds of residents living on a private road to enter into an agreement with the Municipality in terms of administration. Some residents claimed that the threshold is too high, as they cannot receive enough signatures due to the limited reachability of landowners.

The *Societies Act* requires the passing of Special Resolution in some cases, such as to change of name, to alter its objectives, to join other associations, to amend its by-laws, or to dissolve the association. Entering into a contract with the Municipality is not part of this requirement. Furthermore, Clause 28(b) of the *Societies Act* defines one of the methods of entering into a contract on behalf of a society:

“Any contract, which, if made between private persons, would be by law required to be in writing and signed by the parties to be charged therewith, may be made on behalf of the society in writing signed by any person acting under its authority, express or implied, and may in the same manner be varied or discharged.”

Section 16 of the same *Act* defines the person acting under its authority, or directors:

“Subject to the by-laws, the members of a society may nominate, elect or appoint any of its members as directors for conducting the business, discipline and management of the society and its affairs. The directors of a society may exercise any powers of the society not required by this Act or the by-laws to be exercised by the members of the society at a general meeting.”

Since Clause 10(b) of the same *Act* indicates that a society may contract and be contracted in its corporate name, the society may enter into a contract with the Municipality with the majority approval of directors, as long as those directors are elected by the majority votes of all residents of the private road.

Clause 81(3)(b) of the *Municipal Government Act* states that

“the charges may be made and collected only where the persons owning more than fifty per cent of the frontage of the real property fronting on the street or the portion of a street on which the work is performed, or the persons as determined by the method set out in the by-law, have filed with the clerk a petition requesting that the work be performed”.

Since the minimum requirement is more than 50.0% of the total road frontage, Clauses 3.1a)-c) of the By-law should be revised to reflect the *Municipal Government Act* by lowering the threshold for petition from 66.66% of all residents to more than 50.00% of all residents in a charge area.

Lowering the Threshold for Budget Approval. Section 7 of the By-law requires the passing of Special Resolution to approve an annual budget for private road maintenance. Clause 2(e) of the *Societies Act* defines the Special Resolution as “a resolution passed by not less than three-fourths of such members entitled to vote as are present in person”. For a greater certainty, the provincial Department of Internal Services clarified that a society would need to meet quorum of their choice and then 75% of eligible members must vote in favour of the budget.

Because of this, there are numerous cases of where a private road association could not pass its annual budget. Subsequently, they could not collect fees from residents for road maintenance. It is also not clear if the by-laws of the Association mandate its membership to all residents living on the private road.

The *Societies Act* does not mandate the passing of annual budget by a special resolution. Department of Internal Services clarified that, if their by-laws do not specify who approves a budget, then it usually falls under the Board of Directors under management of the society to make that decision. Therefore, a budget may be passed by the 50.1% majority vote of the Board of Directors of an association. Also, unless the Municipality defines the quorum, it is up to each association to decide on the quorum.

To reflect such situation, Section 7 of the By-law should be amended so that the threshold for passing a budget is consistent with the passing of an ordinary resolution, instead of a special resolution. To be also consistent with Clause 81(3)(b) of the *Municipal Government Act*, additional provisions should be added so that the majority of votes to pass budgets also comprises more than fifty per cent of the road frontage.

Allowing Flexibility for Those Residents who cannot Follow the Petition Process.

Even by lowering the thresholds for petition and budget approval, there are other reasons that private road residents are prevented to access the administrative services. For example, almost all the residents on a private road may be living out-of-country, so a road association cannot be formed due to not meeting the quorum.

There are also private roads with less than five residents, so the incorporation requirement in the *Societies Act* requiring at least five people excludes those residents from entering into an agreement with the Municipality to receive administrative support.

Alternative to this process is to establish a separate process where, if deemed reasonable by Council after the review of a submission from a private road resident, the Municipality can impose a charge area without following the petition process. Section 75 and Section 81 of the *Municipal Government Act* allow the enforcement of payment of charges for private road maintenance and improvement purposes.

Payment Installment & Reserve Creation. A few residents requested the charge to be collected in more than one installment per fiscal year, due to their financial burdens. From the associations' perspective, they need to have enough money in the general reserve to perform maintenance in the fiscal year. Both parties also noted that the 5% administrative charge may be a barrier to enter into an agreement with the Municipality.

Municipality has the authority to allow residents to pay charges over the number of annual installments, like how property taxes are collected. However, the association would not receive the full funding until mid-November, instead of mid-May. Also due to the increase in number of installments, it may increase the administrative costs. The municipal Department of Finance suggests private road residents to make pre-authorized payments in advance of annual charge due date.

As for the general reserve, associations should be permitted to collect contingency funds on top of annual maintenance or improvement fees. In a case of unexpected increase in maintenance costs, associations may use the reserve fund.

The administrative charge may be eliminated or charge once for the first fiscal year.

ALTERNATIVES

Council may choose to proceed with one or more of the following options:

Option 1: Amend the current By-law respecting Private Streets Improvement and Maintenance by repealing and replacing with the new Private Roads By-law to:

- establish a process to impose an area rate for those private roads that cannot follow the petition process;
- lower the threshold of petition from two-thirds to more than one-half;
- lower the threshold of annual budget approval from three-fourths to one-half; and
- simplify the petition process by removing charge methods by frontage, area, and assessment value.

Option 2: Develop supplementary materials regarding road maintenance for the residents living on a private road, including but not limited to:

- directories for maintenance services by contractors;
- a model by-law for private road associations;
- a set of recommended standards for private roads; and
- a Frequently Asked Questions sheet for common legal questions.

Option 3: Do nothing.

FINANCIAL IMPLICATION

In the 2020-21 fiscal year, staff expects to collect about \$10,600 from the financial administration of private road associations. If Policy MDL-58 is amended to waive fees, then the revenue will not be added to the municipal treasury.

COMMUNICATION CONSIDERATIONS

If the Council issues a notice of intention to adopt the new Private Roads By-law, staff plans to engage with the following stakeholders:

- Those participants of previous engagement sessions who wished for follow-up;
- All existing private road associations under the municipal agreement; and
- One (1) public information session in March or April 2020.

Department: Planning & Development Services

Directory: 66400-40

Prepared by: Byung Jun Kang, Planner

Date: 2019.09.20

Approved by: Jeff Merrill, Director of Planning & Development

Date: 2020.01.16

Request for Agenda Items under Mayor's/Deputy Mayor's/Councillors' Matters

TO: Chief Administrative Officer
 FROM: Deputy Mayor Eric Hustvedt
 DATE: for PSC - January 21, 2020 (submitted Jan 13, 2020)

1. Agenda Item

Workshop suggestions for NSFM Spring Workshop in May.

2. On what agenda do you want the item placed?

PSC January 21

3. Do you have written material to circulate with the agenda? Yes No

If you do, please attach it to this form. If you do not, please explain.

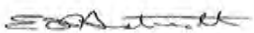
[See email from NSFM, attached]

4. What is its relevance to Council or the committee?

Opportunity to gather information on some of our priorities or other timely subjects.

5. What outcome(s) are you seeking?

Potentially: a list of workshop suggestions to forwarding to NSFM.


Councillor's Signature

January 13, 2020
Date

Approval for agenda: Yes No

Reason for Denial:


Mayor or Chair of Committee

Jan 16/2020
Date

Joanne Powers

From: NSFM Info <Info@nsfm.ca>
Sent: January 7, 2020 11:20 AM
Cc: Judy Webber; Amy Pugsley Fraser
Subject: NSFM SPRING AND FALL CONFERENCE SESSION TOPICS REQUEST

CAUTION: This email originated from an external sender.

TO: *Mayors, Wardens, Councillors and CAO's, All Units*

FR: *Judy Webber, NSFM Event Planner*

RE: *NSFM SPRING AND FALL CONFERENCE SESSION TOPICS REQUEST – RESPONSE BY FEB 3RD*

The NSFM Spring conference is set for May 6-8 in Sydney and the Fall Conference at the Halifax Westin will be late November (after the municipal elections). Both planning committees will be meeting in February to begin setting the agendas.

The Committees would appreciate input from the membership in terms of topics you would like to see at the upcoming events. These are your events and we want you to get the most out of them.

Please provide up to three topics you would like to see offered.

The Committees will review all topics received at their initial meetings. Even though we may only be able to accommodate a few suggestions, we sincerely appreciate all of your input.

Please provide your topics via e-mail directly to NSFM Event Planner, Judy Webber – jwebber@nsfm.ca by **FEBRUARY 3rd, 2020**.

Thank you,

NOVA SCOTIA FEDERATION OF MUNICIPALITIES

t +1.902.423.8331

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NOVA SCOTIA
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MUNICIPALITIES

PLEASE NOTE: If you do not wish to receive communications from NSFM, please e-mail info@nsfm.ca and you will be removed from the mailing list.

Request for Agenda Items under Mayor's/Deputy Mayor's/Councillors' Matters

TO: Chief Administrative Officer
FROM: Michael Ernst
DATE: January 15, 2020

Policy & Strategy Committee
January 21, 2020
Item: 11.2
Authorization: T. MacEwan

- 1. Agenda Item – Report to Council on Police Advisory Board Proceedings
- 2. On what agenda do you want the item placed?

PSC January 21, 2010

- 3. Do you have written material to circulate with the agenda? Yes

Please see attached page from Region of Queens Council minutes

- 4. What is its relevance to Council or the committee?

Policing Services are a considerable part of the Municipality's yearly budget. Having updates after Police Advisory Board meetings will give Council an opportunity to be more informed on Policing matters.

What outcome(s) are you seeking

That Council receives regular P.A.B. meetings updates just as it already does for the MJSB and the LCLC. This can be done by the committee Chair, or a member of the R.C.M.P. as in the Region of Queens.

Michael Ernst

Councillor's Signature

Date January 15, 2020

Approval for agenda: Yes No

Reason for Denial:

SCM d.t.

Mayor or Chair of Committee

Jan 16, 2020

**REGION OF QUEENS MUNICIPALITY
REGULAR COUNCIL
TUESDAY, NOVEMBER 12, 2019
9:00 A.M.**

PRESENT: Mayor David Dagley, Chair
Councillor Kevin Muise
Deputy Mayor Heather Kelly
Councillor Brian Fralic
Councillor Susan MacLeod
Councillor Jack Faney
Councillor Raymond Fiske
Councillor Gilbert Johnson
Chris McNeill, CAO
Christine Watson, Administrative Assistant – Planning & Development

1.0 CALL TO ORDER:

Mayor Dagley called the meeting to order at 9:00 a.m.

2.0 CHANGES / APPROVAL OF AGENDA

It was moved by Deputy Mayor Kelly and seconded by Councillor MacLeod that the Agenda be approved as amended:

Remove Item 15.2 – In Camera Legal Advice Eligible for Solicitor-Client Privilege

MOTION CARRIED unanimously.

3.0 PRESENTATIONS

3.1 RCMP Report

Mayor Dagley welcomed S/Sgt. Dan Archibald to Council (copy of report attached to original set of Minutes).

Some highlights included:

- Detachment is fully staffed.
- Reviewed incidents:
 - July 31, 2019 – CDSA Search Warrant at 74 Brunswick Street, Liverpool.
 - August 9, 2019 – Single vehicle MVC on Highway 103, Port Mouton
 - Investigating mischief incident over the weekend involving resident shooting at car following windows being broken at residence.
- Traffic statistics – 199 tickets issued, 30 check stops
- Calls for Service statistics – Total 1683 to-date
- Community Policing Report – Cst. Ron Duffney is the Community Policing Officer and is very active throughout the community (report included with attached). He can be contacted to answer any questions or concerns and is available to present at any future Council meetings.
- Senior Safety Coordinator – Shelly Walker is the Senior Safety Coordinator for Queens County and is very active throughout the community (report included with attached).
- Encouraged everyone to call detachment if witnessing offence (speeding), in case an officer is in the area and can respond when incident is happening.
- Requested speed trailer from Bridgewater to be placed around Queens County.