

AGENDA
MEETING OF MUNICIPAL COUNCIL

Bridgewater, NS

Tuesday, January 28, 2020 – 9:00 a.m.

Time & Page

1. CALL TO ORDER
 - 1.1 Mi'kma'ki Territorial Acknowledgement
2. ANNOUNCEMENTS, ACKNOWLEDGEMENTS, RECOGNITION
3. PUBLIC INPUT (15 Minutes)
4. APPROVAL OF AGENDA
5. APPROVAL OF MINUTES – January 14, 2020
6. BUSINESS ARISING FROM MINUTES
7. AWARDING OF TENDERS/RFPs
8. PRESENTATIONS/SCHEDULED TIMES
 - 8.1 Nova Scotia Power – Matt Drover, Director of Regional Operations9:15 a.m. 1-13
 - 8.2 Atlantic Fisheries Fund – Brennan Goreham, Nova Scotia Director..... 10:15 a.m. 14-23
9. CONSIDERATION OF CORRESPONDENCE
10. RECOMMENDATIONS & REFERRALS FROM COMMITTEES & BOARDS
 - 10.1 Policy & Strategy Committee
 - 10.1.1 2020 Municipal Election Report..... (24) 25-28
 - 10.1.2 Proposed Solid Waste By-law re Repeal & Replace – 1st Reading (24) 29-60
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 - 11.2 Planning Department
 - 11.2.1 Letter of Concurrence – MDL-69 Antenna Siting Protocol68-69
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 - 12.1 Police Advisory Board Update (L. Nauss)
 - 12.2 Accessibility Committee Update (C. Moore)70-71
 - 12.3 Deputy Mayor's Update
 - 12.4 Mayor's Update
13. ADDED ITEMS
14. IN CAMERA
 - 14.1 Land Negotiations re Osprey Village under section 22(2)(a) of the MGA
15. ADJOURNMENT



January 28th, 2020

Presentation to the Municipality of the District of Lunenburg

Government Relations updates

- Reference Guide

Your own resource for many topics including:

- Tree Trimming
- Power Rates
- Street Lights
- Renewable Energy

- Informational Emails

Communication and key messages for relevant topics such as:

- Weather events
- Power Outages
- Smart Meters
- Terms of Disconnections



For Service Requests or Emergency Contact call our Customer Care Centre at 800-428-6230

Our Critical Customer Communication Program

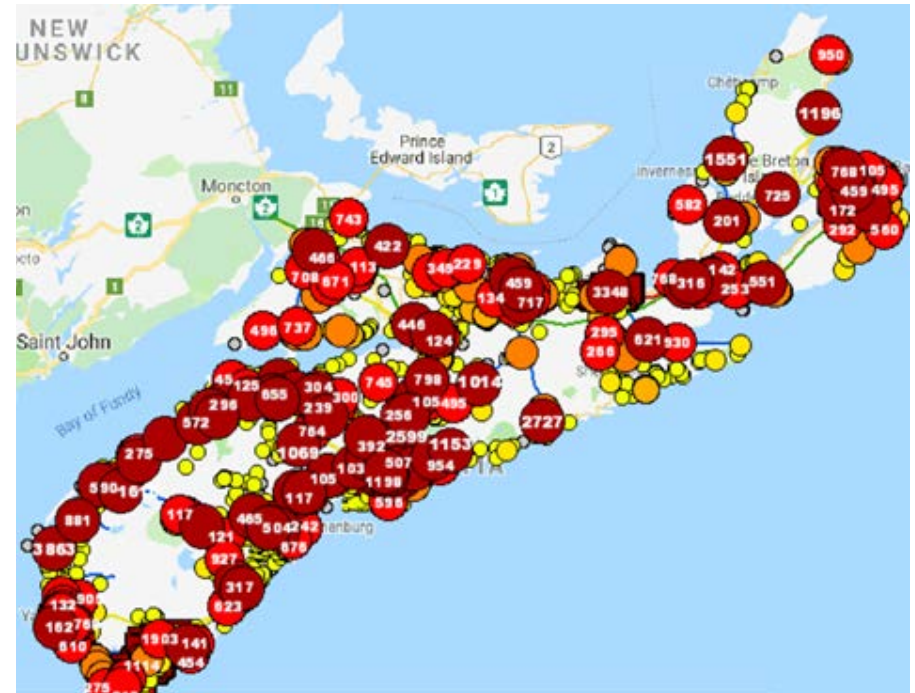
Critical Customers receive specific communication with respect to power interruptions. The program was created to provide information so informed decisions can be made by our customers. Customers must enroll and update as required.

Program Segments

- **Medical** – home oxygen, home dialysis, nursing homes, etc.
- Advance communication by phone call before significant outage events, notification of estimated restoration time (ETR) when outages last longer than 4 hours and if the ETR changes.
- **Critical Infrastructure**- Hospitals, Fire Departments, critical water and sewage, EMO emergency operations and evacuation centers, power restoration emergency support sites , etc.
- Location specific enrollment providing insight for restoration priority.

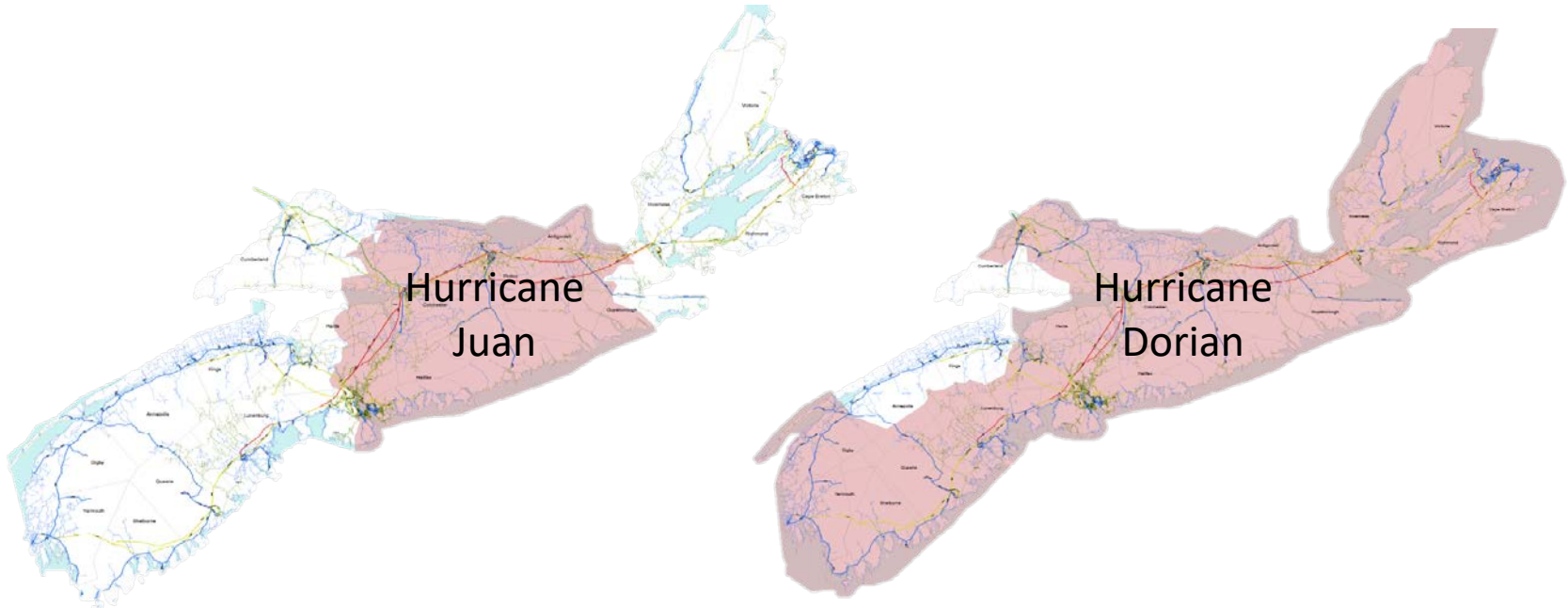
Customer Impact

- At the peak of the storm approximately **412K customers** were impacted. This was the most impactful storm in our company's history, impacting 100k more customers than Hurricane Juan at peak.
- The outage event count at peak was approximately 3,200. Ultimately, **over 9,000 outage events** were restored.
 - Further damage from high winds throughout the system continued to occur following initial outages prior to restoration.
 - The large number of full feeder outages and transmission line outages masked the full count of events.



Juan compared to Dorian

- The maps below highlight the work depots in the province that experienced **wind gusts over 100km/hr** in Juan and Dorian.
- Although the peak wind speeds in Dorian were less than Juan, the size of the storm and **impact to the power system was substantially more significant in Dorian**. This led to more damage and hence the need for additional resources to complete restoration.
- There were several conditions that led to Dorian having a provincial wide impact on the power system: track of the storm through the middle of the province, **size of the storms' wind field, speed and duration of sustained winds & wind gusts, leaves were on trees and the ground was not frozen.**



Safety During Storm

- Message delivered by our Executive Leadership Team and echoed by our Premier: **“Safety over Speed”**.
- Safety Stand Down the night of the storm. **All employees and contractors were stood down** on Saturday, September 7th at the onset of 90 km/hr winds, and the stand down ended across the province on Sunday, September 8th at 6 AM. A risk assessments process allowed for response to emergencies; this process was utilized approximately 20 times provincially.
- Both Transportation & Infrastructure Renewal and Department of Labour & Advanced Education helped NS Power provide safe traffic control for all crews during storm event.
- **880 Safety Orientations and over 300 vehicle inspections** administered throughout the event. All vehicles coming into the province were inspected to ensure our standards were met.

Incident Type	Contractors	NS Power
Medical Aid	1 (allergic reaction to wasp sting)	1 (injured leg while moving table)
Lost Time	1 (slip/trip/fall off line truck)	0

Restoration Response



Storm Restoration Process

- Nova Scotia Power restores power in phases to ensure critical services like hospitals can stay open before beginning work in other areas. Larger outages on transmission lines and in substations are restored ahead of smaller outages to safely restore electricity to the greatest number of customers as quickly as possible. The phases are as follows:
 - Phase 1 - Restoration of public safety issues and emergency situations
 - Phase 2 - Restoration of NS Power critical infrastructure such as transmission lines and substations
 - Phase 3 - Restoration of Emergency Management Office (EMO) critical infrastructure
 - Phase 4 - Restoration of main electrical feeders servicing communities and neighbourhoods
 - Phase 5 - Restoration of branch power lines servicing individual streets
 - Phase 6 - Restoration of individual homes and businesses

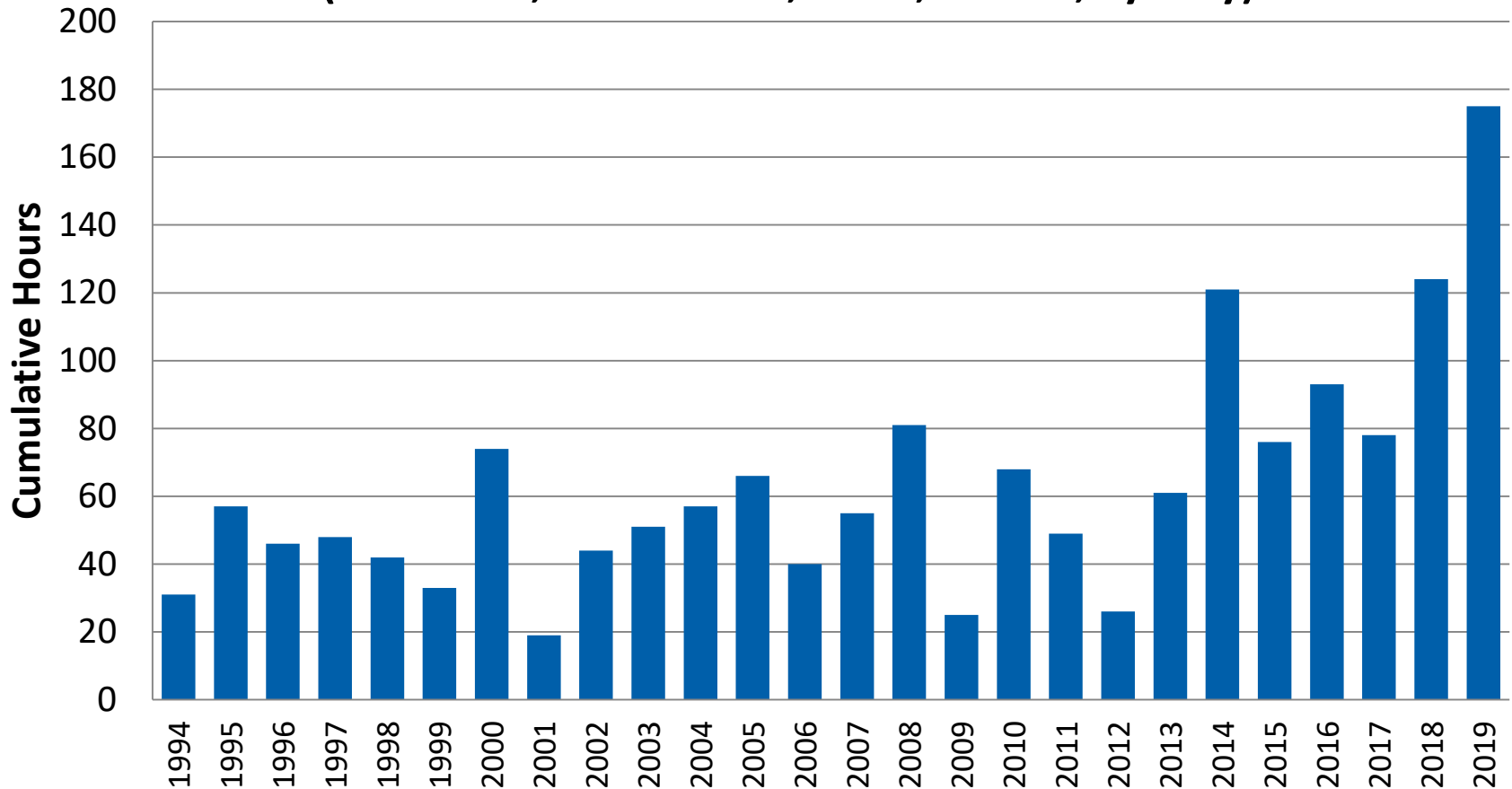
Emergency Management Office (EMO) Response

- The Emergency Management Office coordinates opening with NS Power, during Dorian NS Power had a team stationed at Provincial and Halifax Regional Municipality EMO for the duration of the event.
- A NS Power task force was activated to manage EMO priorities, escalations, and cell tower outages to ensure timely restoration. **18 crews were dedicated to EMO priorities.** Over 380 escalations were managed for outages affecting critical infrastructure such as **Medical , Water & Sewage, Fire and Telecom facilities.**
- NS Power assigned a lead to coordinate with Mi'kmaw leaders during this event. Power restoration was prioritized for key infrastructure identified by Mi'kmaw leaders.
- Military provided logistical support including: Accommodations (Camp Aldershot and CFB Shearwater), Wellness checks on rural customers and Road clearing.



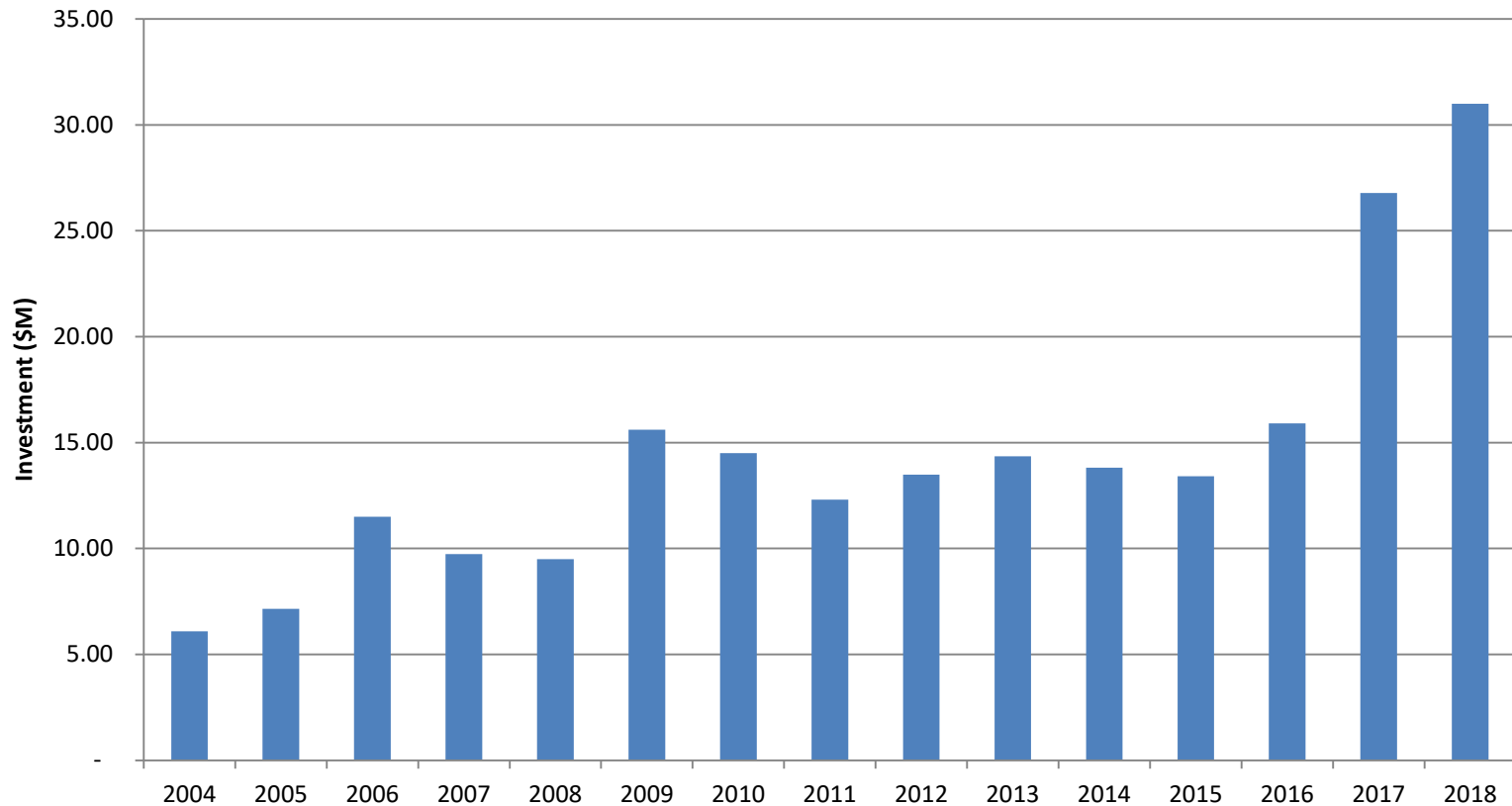
Weather Patterns are Changing

Annual Hours of Wind Gusts ≥ 80 km/h - Nova Scotia (Yarmouth, Greenwood, Truro, Halifax, Sydney)



NSPIs Weather Response is Changing Too

Annual Vegetation Management Investments



Lunenburg County Area Vegetation and Engineering Investments

- Investments in Lunenburg County Area for Vegetation Management

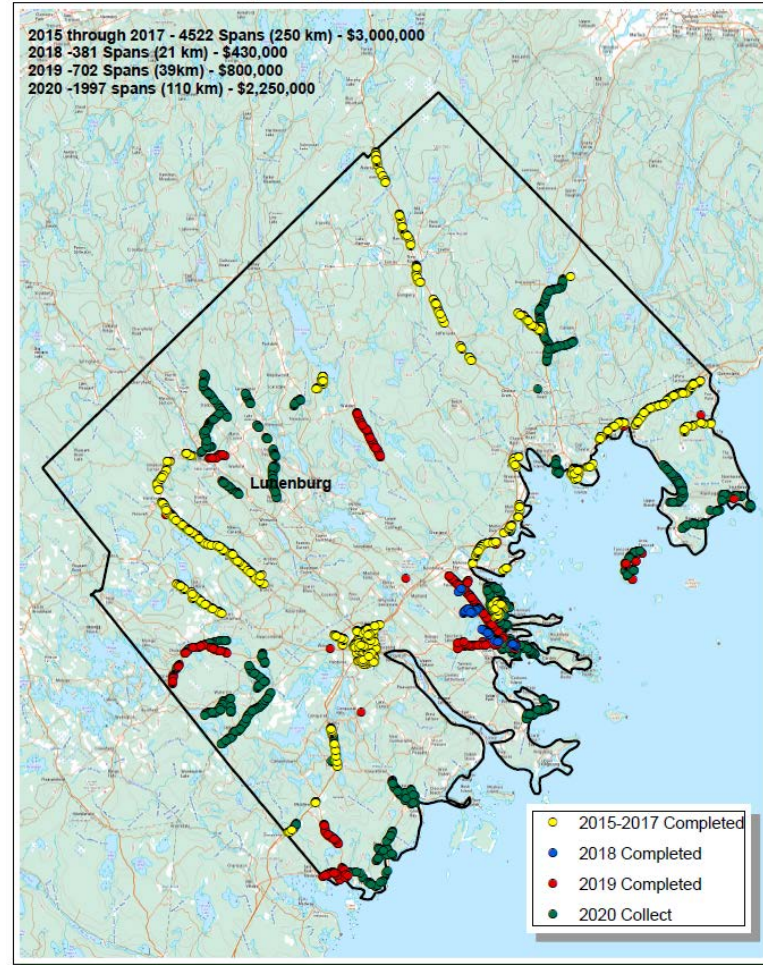
2015-2019: \$4, 230, 000

Planned for 2020: \$ 2, 250, 000

- Total Engineering Investments in Lunenburg Area for 2016-2019: (Investments in equipment to stabilize and/or Improve Reliability)

Reinsulation:	\$300,000
Replacement of Deteriorated Assets:	\$2,500,000
Switch Replacement:	\$150,000
Total:	\$2,950,000

Lunenburg County Vegetation Management History



Lunenburg County Capital Investment

Recently completed:

Gold/Martin's River Reconductor Phase 3 \$572k.

A project for more transfer capability between the District of Chester and the District of Lunenburg.

Moved a section of line over Martin's River to the roadside. Bell has not yet moved their line roadside at the water crossing which one local customer is not happy about but has been understanding of their delays so far.

Upper Branch Build to Roadside \$137k.

This build a section of line near the start of 73W-411 to roadside that was previously in the woods.

Northwest Road and Spectacle Lake \$147k

This was a targeted replacement of deteriorated equipment on the feeder covering customers

Planned to start in 2020/2021:

Mahone Bay to Bridgewater \$446k

Replacements and upgrades to increase the reliability of the transmission lines

New Germany approx. \$200-\$350k.

Reconfiguration to allow for the retirement of a substation and removal of the cross country line over the LaHave River near New Germany Lake that was recently hit by a plane.

Heckman's Island \$1M.

To replace the cable feeding Heckman's Island, Stonehurst and Eastern Points.

Italy Cross \$464k.

Stepdown Relocation and voltage conversion to accommodate load growth in the area.

Atlantic Fisheries Fund

Presentation to the Municipality of the District
of Lunenburg

January 28, 2020



Lunenburg County– Context

- 14 Licensed Fish Buyers
- 8 Licensed Fish Processors
- 15 Licensed Aquaculture site
- Important support services
- ~\$30,000,000 in reported purchases and aquaculture production in 2018

Atlantic Fisheries Fund- Overview

- Transform and drive innovation in the Atlantic fish and seafood sector
 - Innovative processes and technologies in harvesting, processing and aquaculture sectors
 - Infrastructure/new technology investments to improve quality, productivity and sustainability
 - Science Partnerships to enhance knowledge and understanding of changing oceanic conditions
- Partnership: Canada and the 4 Atlantic Provinces
 - Joint Management, Delivery and Approvals
 - Cost-shared 70/30
- Atlantic Component: \$295M Fed + Prov 30%
- National Marketing Pillar - \$30M + additional from all participating Provinces & Territories

Who can Apply?

- Commercial Enterprises (Harvesters, Processors, Aquaculturists)
 - Contribution Less Than \$100,000 – Non-Repayable
 - Contribution Over \$100,000 – Repayable or conditionally repayable dependent on circumstances
 - Percentage of funding dependent on number of employees
- Non-Commercial Organizations (Indigenous Organizations or Groups, Industry Associations, Research and Academic Institutions, Other NGOs that support the sector)
 - Non-repayable Contributions up to 80%
 - % Contribution Based on Need:

Eligible Projects

- **Innovation:**

- Research & Development of new products, processes, technologies and equipment
- Pilot & test new innovations
- Initiatives to create partnerships or networks that support innovation activities in the sector
- Results: Productivity, Increased Value Added, Sustainability, Marketability
- Led by industry with technical or academic partners

- **Infrastructure:**

- Adopt new technologies, processes or equipment to improve effectiveness and sustainability, and associated training
- Results: Productivity, Increased Value Added, Sustainability, Marketability
- Direct investment in commercial operations

Eligible Projects

- **Science Partnerships:**
 - Science research on impacts of ecosystem shifts
 - Creation of partnerships or networks that help scientific activities in the sector
 - Science work on sustainable harvesting, processing and aquaculture technologies
 - Results: Informed Decisions on Industry Future, Technology Transfer and Research Commercialization
 - Work by academics and institutions with active participation, commitment and support from Industry.

Examples of Approved Projects

- **Harvesting:**

- Automated long lines and sustainable harvesting technology
- Various onboard handling equipment related to improving the quality of fish when harvested
- Electronic and new technology adoption for increasing efficiencies (e.g. Notus Echo system for shrimp fishery)
- Pilot testing alternative, sustainable harvesting technologies for crab and lobster fisheries

- **Processors**

- New technology/state-of-the-art processing equipment to gain efficiencies and automate; as well as reduce energy consumption
- Demonstration of new technology for live lobster holding
- Acquisition of Automated live lobster grading systems
- Traceability and Inventory management systems

Examples of Approved Projects

- **Aquaculture**
 - Acquisition of automated grading equipment for oysters
 - Productivity and efficiency improvements in grow-out gear and equipment for shellfish aquaculture
 - Adoption of new technologies to upgrade grow-out sites and hatcheries (shellfish and finfish)

Provincial Areas of Focus

- Harvesting, Processing, Aquaculture
- Innovation
- Quality
- Traceability
- Increased Value
- Improved Productivity
- Operating Efficiencies
- Sustainable Methods
- Market Access

Contact US

- **NSDFA**
- aff@novascotia.ca
- 1-902-424-3036

- **DFO-AFF Secretariat:**
- atlanticfisheriesfund.ca
 - E-mail: RegionalAFF-FPARegional@dfo-mpo.gc.ca
 - Toll Free: 1-844-795-9718



Municipality of the District of Lunenburg

January 21, 2020

To Her Worship, Mayor Bolivar-Getson, and Councillors
of the Municipality of the District of Lunenburg

Dear Mayor and Councillors:

The Policy & Strategy Committee in session on Tuesday, January 21, 2020, made the following recommendation to Council:

1. That Municipal Council approve the hiring of a Returning Officer and an Assistant Returning Officer for the 2020 Municipal Election.
2. 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.
3. 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.
4. That Municipal Council give Notice of its Intention to repeal the Solid Waste Collection and Disposal By-law that was adopted by Council on February 19, 2014 and amended on June 24, 2014 and to replace it with a new Solid Waste Collection and Disposal By-law; and further, that Council conducts First Reading of same and gives notice of Second Reading.

Respectfully submitted,

Chairman and Members
Policy & Strategy Committee

/jp
Attachments



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

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 By-law 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.
- .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, Whynot’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, aluminum 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 By-law 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 By-law – 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 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 By-law – 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 By-law;
- 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 By-law; 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 By-law.

.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 MJSB.
- .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 MJSB.
- .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 MJSB.
- .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 MJSB.
- .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 their 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,
 - ii) 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 caused 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 MJSB 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 MJSB 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.
- 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.

- 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 By-law.
- 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 of COMMERCIAL CONTAINERS 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; and,
 - 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 ELECTRONICS will be collected 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 stockpiling, 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 farmland 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 By-law. 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 By-law.

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 By-law 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 By-law is guilty of a summary offense and is liable, upon conviction, to a fine of not less than Five Hundred Dollars (\$500.00) and not more than Five Thousand Dollars (\$5,000.00), and in default of payment to a term of imprisonment not to exceed ninety (90) days.
- .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 By-law 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.	

PROPOSED

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.

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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 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 LRRC (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.

"LRRC" means the Lunenburg Regional Community Recycling Centre, which is a solid waste management facility and is located at 908 Mullock Road, Whynter'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

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- 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, fliers, 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 by-law – 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 about 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 about 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), not 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); not 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 centimetres (26 by 36 inches) nor greater than 76 centimetres 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 md-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 1 - 140 litre capacity cart per dwelling unit
or
- e) dwellings having 6 units or more 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 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

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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.

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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 of 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

- b) imprisonment not to exceed thirty (30) days;
 - c) 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,
 - d) 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

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 Amendments to By-law:		<u>July 2, 2014</u>
Date of mailing to Minister a Certified copy of By-law:		<u>July 10, 2014</u>
I certify that this "Solid Waste Collection and Disposal By-law" was adopted by Council and published as indicated above.		
April Whynot-Lohmes, Municipal Clerk		_____ Date
*Effective Date of the By-law unless otherwise specified in the By-law.		



Municipality of the District of Lunenburg

MEMORANDUM

TO: Mayor Bolivar-Getson & Council
FROM: Joanne Powers, Executive Assistant
DATE: January 22, 2020
SUBJECT: NSFM 2020 Spring Workshop Suggestions

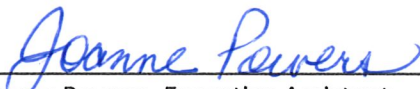
At the January 21, 2020 meeting of the Policy & Strategy Committee, Deputy Mayor Hustvedt brought forward the topic of "NSFM Spring Workshop Suggestions".

The Committee discussed possible spring workshop topics and the following list was compiled:

1. Overview of where the Province stands with waste matters
2. Mandatory Planning
3. Overview of what different rural municipalities are doing to facilitate transportation
4. A Model Demonstrating an Extended Producer Responsibility (EPR) system
5. Discussion around the forestry industry

It was noted that the topic of "Point-of-Sale Legislation" was already submitted to NSFM by Mayor Bolivar-Getson.

As the request from the NSFM Event Planner was for only three workshop suggestions, each Council Member is asked to choose their top three suggestions and a decision will be made at the January 28, 2020 Council meeting.



Joanne Powers, Executive Assistant

/jp

Tina Robichaud-Bond

From: Byung Jun Kang <ByungJun.Kang@modl.ca>
Sent: January 21, 2020 10:09 AM
To: Alex Dumaresq <Alex.Dumaresq@modl.ca>
Cc: Jeff Merrill <Jeff.Merrill@modl.ca>; Tom MacEwan <Tom.MacEwan@modl.ca>
Subject: Motion of the Nominating Committee

Good morning Alex,

At the meeting of the Nominating Committee, held on January 21, 2020 at 10:00 a.m., it was decided that:

“Moved by Councillor Bell, Seconded by Mayor Bolivar-Getson, that the Nominating Committee recommends Municipal Council to appoint Ms. Ann Mech as the new member-at-large from the public in the Planning Advisory Committee.”

Thank you,

Byung Jun Kang, Planner
Planning & Development Services
Municipality of the District of Lunenburg
210 Aberdeen Road | Bridgewater, NS | B4V 4G8
(902) 530-3480



Municipality of the District of Lunenburg



REPORT TO: Council
SUBMITTED BY: LaHave Project Management Team
DATE: January 28, 2020
RE: LaHave River Straight Pipe Project – Year 2 Update

RECOMMENDED MOTION

Move that Municipal Council direct staff to issue an RFP for the installations in Year 3 of the LaHave River Straight Pipe Replacement Program, and that the Program Administration Fee for year 3 be set at \$1,627 per system.

EXECUTIVE SUMMARY

Council established a goal of eliminating all straight pipes from the lower LaHave River by 2023. Following the second year of septic installations under the LaHave River Straight Pipe Replacement Program (program), a total of 150 systems have now been installed. The program remains on track to be completed before the funding deadline and remains within the original funding application budget.

One of the benefits of a multi-year program is the ability to evaluate our methodologies annually and find more effective ways of administering the program.

This report outlines the progress of the program to date and identifies improvements to be implemented for future years.

BACKGROUND

Water quality in the LaHave River Estuary has been a longstanding issue in the Municipality. A 1993 survey identified over 800 straight pipes from along the estuary. In June of 2016, after extensive public engagement, Council made application to the Federal and Provincial Government for funding to replace straight pipes in the Lower LaHave River. Also in 2016, a private donor committed \$1 million in funding towards the Project. After some extended negotiations, a three-government funding agreement and an MOU with Nova Scotia Environment regarding enforcement were secured to allow the project to proceed, and MODL launched the replacement program during the 2018 construction season. Council created the *LaHave River Wastewater Management District (WWMD)* Bylaw to establish the program and the relevant authorities. This report satisfies the annual requirement for reporting on the progress of the program.

PROGRAM STATUS

Installations

The Municipality set a goal of 150 system installations in the first two years of the program with a projected seventy-five (75) systems to be installed in both 2018 and 2019. As of December 2019, this target was achieved:

- 150 systems have been tendered under the procurement program
- 150 systems have been installed
 - Year 1 – 77 installations
 - Year 2 – 73 installations

Total Number of Straight Pipes

The original 1993 study estimated there were 800 straight pipes in the WWMD. The program was designed with an estimate of 600 straight pipes. Extensive efforts have been required to identify what properties have straight pipes. At the beginning of the replacement program, there were over 400 properties where MODL could not locate information to confirm if there were appropriate systems in place, and the property owner had not responded to inquiries. Over the past year, staff have reduced these “No Response” properties considerably, leaving only 61 properties we have yet to hear from. The Table 1 below summarizes the information available for each property located within the WWMD boundary:

Owner Response	#	%
Qualify for Program	237	15%
Confirmed System	870	50%
Require inspection	530	31%
No Response	61	3.5%
Waiting on Results	37	.5%
Total	1735	100%

Table 1: WWMD Property Status

Inspection Program

The inspection program was launched in early 2019. This program has assisted in determining the number of installations required in order to replace all straight pipes. A total of 332 inspections were completed in 2019 leaving a maximum of 591 inspections remaining. Of the inspection reports received, 20% of properties qualify for the program, 75% have systems, and 5% are inconclusive (further follow up required to determine eligibility).

Expenditures

One of Council’s key priorities for this program is to remain within the application budget. The program for both Year 1 and Year 2 has successfully remained underbudget.

Table 2 below illustrates actual costs in comparison to budgeted amounts. Forecasted total year 2 expenditures and budgeted figures were \$1,461,507 and \$1,594,500 respectively (based on 71 installs) providing a savings of just under \$133,000.

Item	Application Budget (Year 2)	Actual Costs (year 2)
Design (per system)	\$ 1,650.00	\$ 995.00
Installation (per system)	\$ 17,000.00	\$ 15,937.76
Property Restoration (per system)	\$ 700.00	\$ 326.73
Education and Awareness (annual)	\$ 20,000.00	\$ 20,600.00
Project Management (annual)	\$ 90,702.00	\$ 105,000.00

Table 2: Year 2 Budget Overview

Overall Status

Based on the number of installations, project costs compared to budget, and the number of substantive complaints received, we can continue to regard the program as successful. One hundred fifty systems have been installed to date, keeping us within our goal for Years 1 and 2. The Inspection Program was designed, and 332 inspections completed, and we have kept expenditures within budget.

DISCUSSION TOPICS

Participant Concerns

Landscaping has been and continues to be the primary source of issues with the program, even with the addition of a landscape standard for construction following Year 1. We anticipate that completing Year 2 installs at an earlier date will minimize the landscaping issues next year. Also, pre-tendering in Year 3 will be crucial in lawn growth. Given the nature of the program, it is expected that end-product aesthetics will continue to be the number one concern of participating property owners. A clear factor in minimizing installation and end-product aesthetic issues is the quality of the contractor’s work.

Procurement

For the first two years, all installation work was procured through tendering in bundles of up to ten (10) installations at a time. While this created an environment for competition between small and medium-sized firms, it produced some issues for project management. Quality of installation work varied by bundle, which contributed to resident concerns with aesthetics and

functionality. In addition, the traditional tendering approach does not allow MODL to evaluate submissions based on capacity to complete the work within specified timelines. There is also a high administrative burden during the construction season stemming from the multiple bundle approach. In a small number of instances, the sub-par quality of a low bid installation has damaged the municipality's reputation and has required much effort and cost to correct deficiencies and manage homeowner issues.

Based on the issues we encountered with the quality of work by tendering to various contractors and costs associated with same, staff recommends that an RFP be issued for one proponent to install all the systems in Year 3. The evaluation of the successful proponent would be based not only on cost, but also on factors such as capacity to complete multiple concurrent installations, qualifications, references and experience.

The advantages of tendering for one proponent are as follows:

- (1) administration of the RFP preparation is done outside of the busy construction season, allowing more supervision on installations during construction;
- (2) consistent pricing and quality of materials/end product/work practices;
- (3) larger firms who have been reluctant to bid on multiple small projects may become interested.

Inspection Program Administration

Completing inspections is a critical part of finalizing the total number of septic replacements required to fulfill the mandate of the program. Scheduling the inspections has been a challenge for staff as we have encountered a high number of uncooperative and abusive residents.

MODL does not have the staff resources available to carry out inspection bookings and deal with uncooperative residents. As such, staff will be moving to outsource some coordination and scheduling functions. Outsourcing these services is an eligible expense, therefore two-thirds of the cost will be covered.

At the time of this report, there were 237 confirmed installations required. At the current rate of inspections, we anticipate an additional 118 will be required. Given the anticipated number of remaining installations, it is projected that the cost of outsourcing the scheduling function of the inspection program will be \$25,000. To cover the 1/3 cost not funded by grants, an increase of \$61.00 in the Program Administration Fee will be required. Administration Fee rates by year are noted below:

- Year 1 \$1,200.00
- Year 2 \$1,566.00
- Year 3 \$1,627.00 (proposed)

Year 3 – Expectations & Goals

The goals for Year 3 are as follows:

- Complete 75% of outstanding inspections (400)

- Install 70 systems
- Remain within the application budget.

SUMMARY

Over the course of the first two installation years the LaHave River Straight Pipe Replacement Program has remained on schedule and under budget, installing 150 systems and completing 332 inspections. Given the percentage of properties qualifying for the program from inspections completed to date, we are confident that the program size will remain well within the 600-property estimate used for the funding application.

The number one concern of property owners has been the end-product aesthetic. Due to the nature of the program, this is unlikely to change. However, we will continue to work towards ways to better manage expectations of homeowners. The recommended adjustments to the program (change in installation procurement and inspection program coordination) will improve administrative functions, helping ensure all straight pipes can be eliminated from the LaHave River by 2023.



Municipality of the District of Lunenburg

REQUEST FOR DECISION

REPORT TO: MAYOR BOLIVAR-GETSON AND MUNICIPAL COUNCIL

SUBMITTED BY: Norma Schiefer, Municipal Development Officer

DATE: January 20, 2020

RE: LETTER OF CONCURRENCE – MDL 69 ANTENNA SITING PROTOCOL

ORIGIN: Application(s)

RECOMMENDATION

That Municipal Council issue a letter of concurrence for the internet towers at the North River, Parkdale and Union Square locations as the applications have met the requirements of MDL-69 Antenna Siting Protocol.

BACKGROUND

Municipal Council has identified improving access to high speed internet as a strategic priority. In December 2018, a request for proposal was awarded to TNC Wireless to provide high speed wireless rural internet service to Whynotts Settlement, Tancook and surrounding areas. These three sites, North River, Parkdale and Union Square, were identified to assist with coverage in the northern part of the Municipality as part of the project.

The Municipality has a policy on the siting of telecommunication towers outlining submission requirements and to ensure adequate public consultation is given. Municipal Council is required to issue a letter of concurrence if the proponent has fulfilled the requirements of MDL-69 Antenna Siting Protocol.

DISCUSSION

TNC Wireless is proposing to locate towers in additional communities, which will continue to expand rural high-speed internet service.

A 40-metre monopole telecommunication tower will be located at 915 North River Road, North River. This tower will receive signal from the Hemford site. Service will be provided to local homes and businesses.

A 40-metre monopole telecommunication tower will be located at PID 60380003 Barss Corner. This tower will receive signal from the Hemford site. Service will be provided to local homes and businesses.

A 40-metre monopole telecommunication tower will be located at 4887 Cornwall Road, Union Square. This tower will receive signal from the Hemford site. Service will be provided to local homes and businesses.

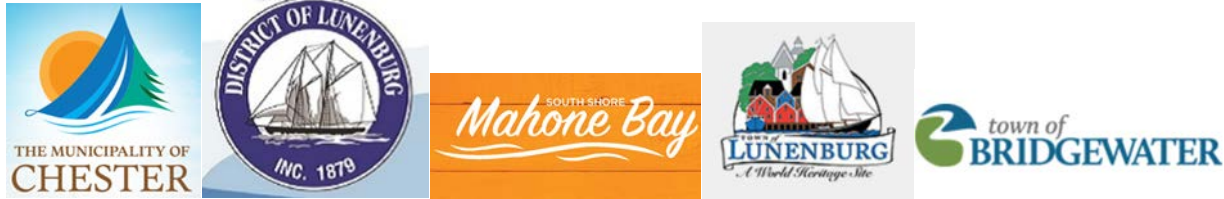
TNC Wireless continues to identify sites which will continue to expand the rural high-speed service.

All proposals must comply with Industry Canada's requirements and include certification or attestation of compliance from other government agencies, including NavCanada, Health Canada, Transport Canada and Environment Canada.

As part of any proposal, public consultation is a requirement. The Proponent, TNC Wireless, has provided notification letters to properties located within the required consultation area, advertised in the local paper and held a public information session to provide details to anyone interested in the proposal. As a result of the consultation, all questions and concerns were addressed. Feedback was very positive centering around how to sign up.

CONCLUSION

TNC Wireless has fulfilled the requirements of MDL-69, Antenna Siting Protocol and ensured communication of the project was provided to the public. Public consultation has been effective in providing details to residents who will benefit from this service. A letter of concurrence is required to be prepared and forwarded to Industry Canada.



Lunenburg County Accessibility Advisory Committee (AAC)

Memorandum

Date: January 23, 2020

To: MODL Council

Under the Accessibility Act, government will work with persons with disabilities, and the public and private sectors to create standards for an accessible Nova Scotia. The standards will be in the areas of:

1. Built Environment
2. Goods and Services
3. Information and Communication
4. Transportation
5. Employment

The first plan required by Municipalities will be developed in the absence of provincial standards.

The plan is an **approach**. The plan will consist of a united framework and universal standards, with individual operational plans.

- Hold public consultation to identify accessibility issues across municipal units. We'll use specific feedback to build standards that are universal (i.e. "all parks should have this" rather than "this park needs this")
- Determine consistent standards for Lunenburg County based on 1. Community consultation, 2. Completed accessibility audits, 3. Universal design principles, and 4. Expert advice
- Provide a template for the individual municipal operational plans
- Identify a timeline for each municipality to execute their operational plans (conduct their audits, solution development, timelines, and budget allocation)

2020/2021 Budget

Item	2020/2021
Meeting pay	\$3,630
Mileage	\$780
Public engagement co-op student (to plan and facilitate public sessions, run the “go where they are” pop ups, collect and organize data into a report, make recommendations on global standards)	\$20,000
Public engagement sessions	\$2,000
Advertising public engagement (radio, print, FB)	\$1,000
Training/presentations for Committee members	\$5,000
Total	\$32,410

We will be applying for provincial funding. The costs will be shared by the five municipalities according to a funding formula selected by the CAOs.