

# HALIFAX

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**Item No. 11.1.1**  
**Halifax Regional Council**  
**March 9, 2021**  
**April 6, 2021**

**TO:** Mayor Savage and Members of Halifax Regional Council

**SUBMITTED BY:** Original Signed by   
Jacques Dubé, Chief Administrative Officer

**DATE:** February 25, 2021

**SUBJECT:** Amendments to By-law S-600: Illegal Dumping and Litter Abatement

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## **ORIGIN**

Motion from the April 2, 2020 meeting of Halifax Regional Council, PUT and PASSED:

That Halifax Regional Council direct the Chief Administrative Officer to:

1. Prepare amendments to the Solid Waste By-law (S-600) for Council's consideration to address illegal dumping and litter abatement; and
2. Assess staffing requirements to support the implementation of the proposed By-law amendments.

## **LEGISLATIVE AUTHORITY**

Halifax Regional Municipality Charter, 2008, c. 39

s. 188(1) The Council may make By-laws, for municipal purposes, respecting:  
... (d) nuisances, activities and things that, in the opinion of the Council, may be or may cause nuisances ...  
... (f) businesses, business activities and persons engaged in business...

s. 335 The Council may make By-laws respecting solid waste, including, but not limited to:  
...(b) regulating the disposal, collection and removal of solid waste...

Administrative Order 2017-002-ADM Charter of Governing Principles for Regulation.

## **RECOMMENDATION**

It is recommended that Halifax Regional Council:

Adopt By-law S-612, the purpose of which is to amend By-law S-600, *Respecting Solid Waste Resource Collection and Disposal*, as set out in Attachment B of this report.

## **BACKGROUND**

Illegal dumping and litter happen when waste materials such as garbage, recyclables, and construction debris are improperly discarded. Illegal dumping occurs in wooded or other 'out of the way' areas, on the side of the road, and next to commercial containers at businesses and institutions. Illegal dumping and litter are problematic as they impact the environment, property values, public safety and general quality of life.

In April of 2020, staff presented a report to Regional Council on Penalties for Illegal Dumping<sup>1</sup>. This report outlined opportunities to enhance municipal response to illegal dumping and litter through incorporating sections of the NS Environment Act into HRM's *By-law S-600 Solid Waste Resource Collection and Disposal By-law* (By-law S-600).

By-law S-600 outlines guidelines for preparation and collection of solid waste from the residential and commercial sectors. This includes which premises are eligible for residential collection, bag limits and type of containers required. For commercial properties, By-law S-600 identifies the responsibility of property owners, tenants and commercial waste haulers in providing bins for source separation, signage and disposal at the appropriate facilities.

Solid Waste Diversion Planning Officers (Diversion Officers) are responsible for the enforcement of the sections of By-law S-600 relative to commercial properties, L-200 Respecting Construction & Demolition Facilities and F-400 Respecting Flyer Delivery. Currently, Solid Waste Resource has two Diversion Officers who conduct over 1,200 pro-active commercial site visits and 100 inspections of loads arriving at the Otter Lake Waste Processing and Disposal Facility tipping floor<sup>2</sup> each year as part of their work to ensure businesses are complying with waste sorting requirements. Diversion Officers are appointed Special Constables under the *Police Act, 2004, c.31*, with the authority to enforce HRM By-laws.

Municipal Compliance Officers are sworn as Special Constables under the *Police Act*. Compliance Officers respond to complaints that are located on both the HRM Right-of-Way and private properties. It should be noted that compliance activities are by their very nature complaint-driven and reactive/responsive. Compliance Officers are responsible for enforcing HRM By-laws and the *Halifax Regional Charter Part XV, Dangerous or Unightly Premises*. Complaints include those of a public safety concern such as dogs running at large, dog attacks, derelict buildings and taxi and limousines. Compliance Officers also respond to community standard issues related to land use by-laws, unsightly properties, noise, vending, curbside solid waste, temporary signs and sidewalk cafés. Municipal Compliance Officers conduct approximately 10,500 site inspections annually and work with property owners to gain compliance through education, enforcement notifications, remedy and if required court proceedings.

### Volunteer Litter Clean-ups and Awareness Campaigns

For many years Solid Waste Resources (SWR) and Road Operations and Construction (ROC) have supported the Great NS Pick Me Up and Adopt a Highway programs. This includes assembly and distribution of clean-up kits (bags and gloves), safety supplies (vests and sticks), and collection of bagged waste. In 2019<sup>3</sup> approximately 170 groups registered an event and picked up kits from an HRM Customer Service Storefront. Of these, 100 community groups had their waste collected by ROC.

In addition to the provincial litter programs, several local, grass roots litter clean-up initiatives have evolved over the last few years including Nova Scotia ONE Garbage Bag Challenge. Volunteers are sharing photos and stories of their litter clean-ups around HRM and the province.

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<sup>1</sup> [Halifax Regional Council. \[2020\]. Recommendation Report: Penalties for Illegal Dumping.](#)

<sup>2</sup> COVID-19 restriction reduced the number of inspections able to be completed in 2020.

<sup>3</sup> These programs operated at a limited capacity in 2020 due to COVID-19 restrictions, therefore statistics for this year are not representative.

SWR developed the *Let's Be Clear – Litter Doesn't Belong Here* campaign under Council direction<sup>4</sup> in 2018 with the objective to put focus on common litter items and show where they are frequently found. The ads feature easily recognized landmarks around HRM to connect the pride residents have in our municipality with the negative effects of litter. A sample of one of the ads is shown in Figure 1 below. The campaign can be promoted year-round through paid advertisements, digital screens in HRM facilities and social media posts. This campaign raises awareness of the issue of litter and is a call to action.

**Figure 1: Sample Litter Awareness Campaign Ad**



#### Illegal Dumping Root Causes

In conducting a literature review, staff were unable to find formal Canadian research that defines why people litter or dump material illegally. One Australian report<sup>5</sup> concluded that cost avoidance was seen as a main driver. Offenders also tended to have low awareness or consideration of the consequences (being caught). Lack of awareness of proper disposal methods did not appear to be factors, as most offenders had previously used those proper methods.

The Australian report recommends strategies to reduce illegal dumping should:

- Reinforce the social norm that illegal dumping is unacceptable;
- Create a social norm around reporting illegal dumping;
- Increase the perceived likelihood of being caught;
- Raise the profile of the personal consequences (i.e. magnitude of fines, prison sentences), and ensure fines are more than the savings made by dumping illegally;
- Educate householders to request evidence of legal disposal from any contractors used; and
- Share best practices relating to strategies to minimize, enforcement, and clean-up.

A 2016 survey of municipal solid waste by-law enforcement officers conducted by the Waste Resource Association of Nova Scotia (WRANS) looked at 118 illegal dumping cases in the province.

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<sup>4</sup> Environment and Sustainability Standing Committee. [2017]. *Recommendation Report: Cigarette Butt Disposal and Recycling*

<sup>5</sup> [NSW Environment Protection Agency. \[2015\]. \*Illegal Dumping Research Report.\*](#)

Key findings from that survey include:

- Some had hired another person to haul the material away and did not request proof of proper disposal.
- Offenders had often experienced a major life event such as an eviction or breakdown of a relationship.
- 71% of the material contained identifying information:
  - Receipts
  - Legal documents
  - Utility bills
  - Pill bottles
  - Shipping labels
- Municipalities with low or zero tipping fees at their waste facilities experience illegal dumping (i.e. Region of Queens), indicating access and cost is not always a factor.

Compared to many jurisdictions, HRM offers a high level of curbside service. Residents are able to obtain free removal of refrigerant gases<sup>6</sup> from appliances and are eligible to place one bulky item<sup>7</sup> for collection on each garbage collection day. This option is more convenient than the common practice employed by many jurisdictions in the form of one-time fall and/or spring collection, where residents can put many large items out for garbage collection that normally would not be acceptable (e.g., appliance, furniture). Bi-weekly collection of large items is not provided in these jurisdictions.

#### Current Enforcement Activities in HRM

When a report of illegal dumping is received by HRM<sup>8</sup>, an investigation is conducted by Municipal Compliance Officers. While this can be successful in resolving illegal dumping cases, the current standards for burden of proof and limited definitions/provisions within By-law S-600 prevents many offenders from being held accountable. If the activity was not witnessed and a suspect identified, an investigation cannot proceed, and no charges can be laid. In many cases, material has already been removed from a site by the property owner before an officer has arrived to investigate. These cases often include material dumped curbside at residential properties and make up the majority of illegal dumping cases reported to HRM.

When illegal dumping occurs on private property and sufficient evidence has been collected, Halifax Regional Police (HRP) has laid charges on behalf of Compliance Officers under the Environment Act, Part 99 (2). In cases where the dumping is witnessed and occurs in a commercial container, Compliance Officers may use By-law S-600 Sections 9.1 (b)<sup>9</sup> and 13.1 (k)<sup>10</sup> to issue a summary offence ticket. This section carries a fine amount of \$352.50.

In some cases where the act is witnessed and the offender identified, the offender will voluntarily clean-up the site to avoid further punitive action. Where the offender/generator is not identified, the responsibility for cleaning up the site and disposing of the waste remains with the property owner. These cases may be handled under Part XV of the *Halifax Regional Municipality Charter* as 'Dangerous & Unsightly' with an Order to Remedy issued and the property owner held responsible for clean-up, or payment to the municipality for costs incurred for clean-up. The more common practice is that the property owner voluntarily cleans up the illegally dumped material. There are typically only one or two cases per year where an Order

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<sup>6</sup> Refrigerant gases are also known as chlorofluorocarbon or CFCs.

<sup>7</sup> Examples of bulky items eligible for collection include appliances (stove, washer), furniture (sofa, recliner, tables), box spring and mattress set.

<sup>8</sup> Information on how to report illegal dumping is provided on the Halifax.ca [website](#).

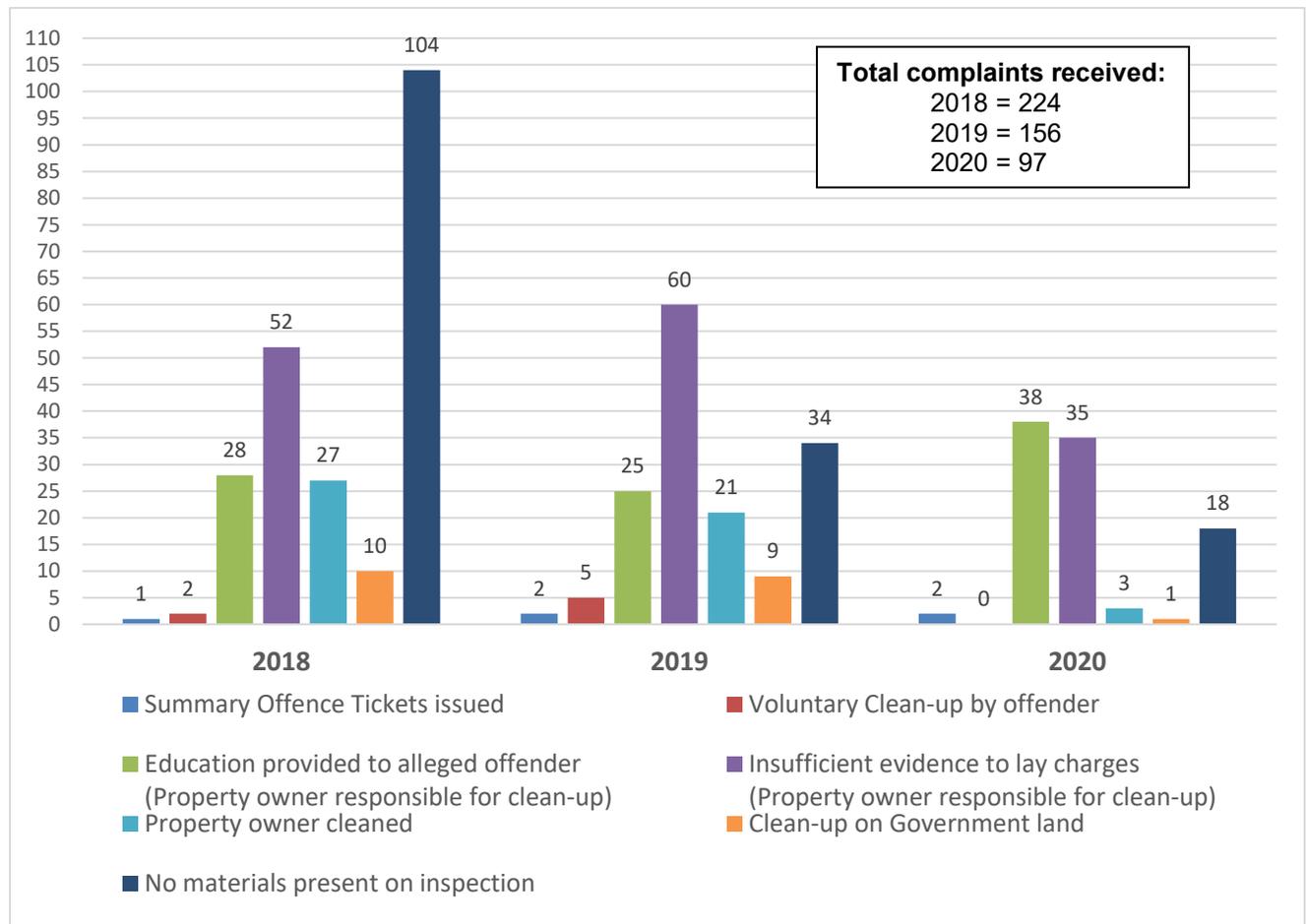
<sup>9</sup> By-law S-600 9.1 (b) All materials placed for collection must be placed in front of the eligible premises from which they have accumulated.

<sup>10</sup> By-law S-600 13.1 (k) No person shall place waste in any commercial container without permission of the owner of the container.

was issued to the property owner directing them to clean up the materials.

Figure 2 shows a summary of the results of illegal dumping complaints received by HRM, investigated by Municipal Compliance. The summary offence tickets issued in 2020 were against By-law S-600, Section 13.1 (k). In cases where there was insufficient evidence to lay charges (including those where an alleged offender was identified), the property owner was responsible for the clean-up of material. In a number of these cases material was removed by the waste hauler (i.e. commercial containers or curbside).

**Figure 2 – Summary of Illegal Dumping Complaints Received by HRM Municipal Compliance<sup>11</sup>**



Halifax Regional Police (HRP) and the Royal Canadian Mounted Police (RCMP) will also issue charges, when warranted including when there is sufficient evidence to support a charge.

HRP has issued an average of four summary offence tickets in each of the last three years using By-law S-600, Section 13.1(k) or the NS Environment Act, Part 99 (2). Through a Service Level Agreement with Municipal Compliance, HRP responds to after-hours, in-progress reports of illegal dumping<sup>12</sup>, provided resources are available. In cases where an officer is not able to respond, or if insufficient evidence is found, the case is referred back to Municipal Compliance for follow-up.

<sup>11</sup> Staff believe the decline in reported cases in 2020 can be attributed to residents being at home, making it more difficult for someone to dump materials at their property, specifically in the urban area.

<sup>12</sup> Municipal Compliance responds to complaints 7 days/week between 8 a.m. and 6 p.m. and HRP responds 7 days/week between 6 p.m. and 8 a.m.

Halifax District RCMP receives approximately 100 calls annually and has issued an average of two summary offence tickets and six warnings in each of the last three years for litter and illegal dumping related offences. Summary offence tickets were issued against the Environment Act, Motor Vehicle Act (littering from a vehicle), and Protection of Property Act. While there is currently no formal arrangement for RCMP to refer cases back to HRM Municipal Compliance, Police Officers, Municipal Compliance Officers and Diversion Officers have worked together to resolve issues in communities served by the RCMP.

NS Environment reports four illegal dumping/litter complaints in 2019 and 2020 within HRM. These numbers suggest that residents see the municipality as the lead organization to address these issues in urban/suburban areas, and RCMP in suburban/rural areas. A summary of the key roles and statistics for each department/agency involved in enforcement activity is provided in Table 1 below.

**Table 1: Summary of Key Roles/Statistics**

<b>Department</b>	<b>Legislation</b>	<b>Key Statistics for 2020</b>
Municipal Compliance	By-law S-600 HRM Charter	<ul style="list-style-type: none"> <li>• 2 Summary Offence Tickets issued</li> <li>• 97 total calls</li> </ul>
HRP	By-law S-600 Environment Act <sup>13</sup>	<ul style="list-style-type: none"> <li>• 3 Summary Offence Tickets</li> <li>• 42 total complaints received</li> </ul>
RCMP	Environment Act Motor Vehicle Act Protection of Property Act	<ul style="list-style-type: none"> <li>• 2 Summary Offence Tickets</li> <li>• 3 Warnings</li> <li>• 56 files opened</li> <li>• 100 total complaints received<sup>14</sup></li> </ul>
NSE	Environment Act	<ul style="list-style-type: none"> <li>• 20 complaints received</li> </ul>

CBRM Model for Success

Development of the proposed amendments draw from the Solid Waste By-law of Cape Breton Regional Municipality (CBRM) and are designed to help facilitate issuance of charges and assigning liability at the municipal level of enforcement. CBRM reports high levels of public and media support for their enforcement-based approach. Offenders in CBRM were held responsible to clean-up site in approximately 18% of cases, compared to approximately 3% in HRM. A summary of enforcement activity in CBRM is included in Table 2 below. All cases that went to court were successfully convicted. Tickets were paid for those which did not go to court.

**Table 2: Summary of CBRM Illegal Dumping/Litter Enforcement**

	<b>Warnings Issued</b>	<b>Charges Issued</b>	<b>Convictions in Court</b>
2018/2019	41	6	2
2019/2020	59	4	2
2020/2021 (April to January)	58	4	1 <sup>15</sup>

One tactic used in the CBRM By-law to assign accountability is known as reverse onus. When a name or

<sup>13</sup> HRP also enforce the Motor Vehicle Act and Protection of Property Act, though these were not used for tickets reported in this data.

<sup>14</sup> A number of the complaints received by the RCMP were determined to be unfounded (i.e. neighbour/land disputes) or did not have sufficient information for a file to be opened.

<sup>15</sup> This conviction was for a charge issued in September 2019 however the cases was delayed due to COVID.

address of a person is found in waste illegally dumped, that person is deemed to be the generator and owner of the waste. The burden of proof rests with the generator to prove they did not cause the illegal dumping occurrence. While reverse onus does not replace the need for sufficient evidence to be gathered, it can assist in identifying the person responsible.

By having a dedicated resource to address illegal dumping issues, CBRM has been successful in providing a community-based approach to enforcement - raising awareness that illegal dumpers will get caught and be held accountable. This has developed trust and relationships within the community where residents monitor sites and report illegal dumping activity as they have confidence action will be taken. The officer in CBRM has also become familiar with problem sites and works with land owners to implement deterrents.

Enforcement of the illegal dumping provisions in the CBRM By-law is undertaken by a full-time police constable who has been assigned to the Solid Waste department from the Cape Breton Regional Police force. The HRP community policing model allows for issues of community concern, including illegal dumping to be actioned by the local community office. As such and based on discussions with HRP, designating a full-time Police Constable within SWR would not be a justified use of a position based on HRPs priority response model and the call volume for these types of incident. HRP will continue to assist with enforcement through the Community Response Officer for the involved area. The availability of this assistance will be based on their priority response model as the Community Response Officers have different quality of life issues to prioritize.

## **DISCUSSION**

### **Development of Proposed Amendments**

The goals of the proposed amendments to By-law S-600 are to:

1. Place the municipality in a leadership role to address an issue of concern for residents and businesses;
2. Reduce the burden on victims by holding more offenders accountable to remedy/clean-up; and
3. Heighten the profile of enforcement activities to deter future violations/activity.

Proposed amendments to By-law S-600 are included as Attachment B to this report and are in line with those proposed in the staff report presented to Regional Council on April 2, 2020. The proposed amendments follow the concepts in the CBRM By-law, while ensuring consistency with language used in other HRM By-laws. While the primary focus of these amendments is on illegal dumping and litter, staff took the opportunity to address other related items within the By-law as noted in the below sections.

### **Highlight of Proposed Amendments - Illegal Dumping**

By-law S-600 currently lacks proper definitions of illegal dumping<sup>16</sup>. Illegal dumping is currently defined within the Environment Act which means Halifax Regional Police or RCMP or NS Environment are the only enforcement agencies that can lay charges under this legislation<sup>17</sup>. The proposed amendments to By-law S-600 will give municipal enforcement staff such as Municipal Compliance Officers or Diversion Officers the ability to issue summary offence tickets or lay charges more efficiently, over and above those currently facilitated by police resources.

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<sup>16</sup> S-600 section 13.1 specifically covers material placed in a commercial waste container, and this act must be witnessed in order for charged to be issued.

<sup>17</sup> Summary Offence Ticket amounts under the Environment Act are \$467.50 and \$697.50 depending on the offence.

One of the proposed By-law amendments is to introduce the concept of reverse-onus. A person whose name or address are identified within waste that has been illegally dumped is deemed to be the owner of the waste. This section of the amendments allows 48 hours for the owner to provide the name of the person responsible for dumping the waste, otherwise they are responsible for the clean-up and resulting summary offence ticket if required. The suggested fine amounts being proposed for illegal dumping range from \$500 to \$10,000 (plus associated court costs).

#### Highlight of Proposed Amendments – Litter Abatement

The focus for proper management of litter is on the commercial sector and includes construction sites, convenience stores, quick service restaurants and public or private events. The proposed amendments incorporate sections of the Environment Act - Part III on Litter Abatement which is also in-line with the direction taken by CBRM. Key points included in these provisions are:

- Requirement to provide accessible litter receptacles onsite, including in drive-thrus.
- Responsibility for cleaning debris from on the property, extending 15 meters onto abutting property (unless access is denied by the property owner).
- Fine amounts being proposed range from \$200 to \$10,000 (plus associated court costs).

This section will allow Diversion Officers to request waste management plans to be submitted by businesses that are not in compliance with the By-law. These plans can be developed with the assistance of SWR Education staff and will outline how waste is collected and stored to ensure proper source separation and litter control measures.

#### Highlight of Proposed Amendments – Materials Left Curbside

Garbage, recyclables and organics that are placed curbside before collection day, or left curbside after collection day (i.e. rejected bags) are unsightly and can contribute to litter if broken open by animals, or snow clearing equipment.

Although By-law S-600 identifies the time and days material can be placed curbside for collection, provisions to allow Municipal Compliance to issue an Order to Remedy for improperly placed materials were inadvertently omitted when the original By-law was drafted. Such provisions were included in By-law S-300 Respecting Streets, however S-300 only covers streets owned and maintained by HRM.

By updating S-600 with similar wording as S-300, Municipal Compliance Officers will have the ability to issue an Order to Remedy consistently throughout HRM. The provisions also allow for recovery of any costs incurred should the municipality remove material.

#### Enhanced Enforcement

The proposed By-law amendments are anticipated to increase the number of illegal dumping cases which can be successfully resolved or have charges laid (i.e. Summary Offence Ticket issued or long-form prosecution). Investigation of these cases will require a greater level of evidence gathering including opening bags and sorting through waste material to search for identifying information. In cases where identifying information is found, additional investigation will be required to locate the person responsible. In problematic areas, the opportunity also exists to conduct surveillance (i.e. cameras). The addition of provisions around litter will also provide an increase in case numbers, where HRM will now be able to more effectively address litter blowing around construction sites, convenience stores, quick service restaurants and public or private events.

These activities will require additional time, over and above the current responsibilities of existing Municipal Compliance Officers and Diversion Officers. Therefore, hiring a new resource would provide the greatest impact. This additional resource will also allow for investigation of illegal dumping on HRM property, including municipal parks<sup>18</sup>.

Given the subject matter expertise and commitment to proper waste management practices, embedding the responsibility for investigating these complaints into SWR has the greatest potential for impact. Diversion Officers have experience searching waste and are comfortable with the safety procedures that have been established for this practice. Diversion Officers have the added benefit of being part of a network of Solid Waste By-law officers who meet and receive training through Divert Nova Scotia. Officers are able to share best practices and discuss enforcement activities specific to the solid waste sector, including illegal dumping investigations.

SWR will require the ongoing support of Municipal Compliance, HRP and RCMP. Cases that cannot be resolved may have to be referred back to Municipal Compliance for administration of Dangerous & Unsanitary processes, as needed. HRP currently investigate after-hours, in-progress reports of illegal dumping (where resources permit) and this practice would continue. While working relationships between these agencies currently exist with SWR, it is likely that Service Level Agreements (SLA) would be required to ensure proper process and expectations of the relationships are maintained. A new SLA or Memorandum of Understanding may also be considered to solidify the relationship between SWR and RCMP.

Following the approval of the By-law amendments and new staff position a hiring process will commence. It is anticipated that enforcing the new By-law provisions will start within 6 months of final approval of the By-law amendments and new staff position.

#### Public Engagement and Outreach

SWR will develop a new issue focused education and marketing campaign to be implemented in 2021/22 that will expand on the existing litter awareness ads to highlight the negative impacts illegal dumping has on the environment and community (including marginalized communities). This multi-media campaign will include television, print and radio ads. Awareness around how to report illegal dumping will also be included. Other municipalities in Nova Scotia experienced an increase in the number of illegal dump sites reported when education campaigns began, and residents became more aware of the enforcement activities being undertaken by the municipality.

The [Halifax Recycles app](#) includes an optional feature which allows residents to report illegal dump sites. Photos, location and other details can easily be sent through the app directly to SWR staff. This provides a convenient option for residents who witness or discover illegal dumping. While not the primary method used for reporting, other municipalities in Nova Scotia who use this interface have had success in identifying dump sites.

As successful charges are laid, and offenders held accountable for clean-up and remedy, a decrease in the occurrence of these offences should follow. The campaign will rely on social marketing to promote success through periodic release of data and profiling of sites that have been cleaned. Staff would be prepared to provide progress reports to the Environment and Sustainability Standing Committee on an annual basis.

SWR will also engage quick-service/drive-thru establishments to inform them of the new requirements to provide litter receptacles in their drive-thru, and general on-site management of litter. This will include engagement of industry groups such as Restaurant Association of Nova Scotia, Canadian Federation of Independent Business and Restaurants Canada.

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<sup>18</sup>Municipal Parks By-law P-600 Section 7 (1) and (2) also speaks to dumping and placement of garbage in the park. Charges can be laid for any individual seen disposing of or dumping garbage in a park.

### **FINANCIAL IMPLICATIONS**

SWR Diversion Officers are remunerated at Level 7 of the NSUPE Collective Agreement. A new staff position would require a budget of \$79,000 for compensation and benefits. Currently the position is included in the proposed 2021/2022 Operating budget for Transportation and Public Works (TPW).

Additionally, the planned public engagement and outreach program with respect to illegal dumping is included in the proposed 2021/2022 Operating budget for TPW.

### **RISK CONSIDERATION**

The risk of the By-law amendments proposed in this report not being able to be enforced are considered low based on the CBRM experience. While CBRM reports success in cases generally being resolved without charges being required, the four cases in which summary offence tickets were challenged were held up in court. which did proceed to court since 2018 were successful in being prosecuted. CBRM has also been successful in gaining public support and increasing the profile of enforcement activities.

Not adding an additional Diversion Officer within SWR to administer and enforce these amendments increases the risk that the municipality will not be able to fulfill the municipality's objectives of reducing illegal dumping and litter.

### **COMMUNITY ENGAGEMENT**

No community engagement was conducted in the development of the By-law. The public will have an opportunity to comment on the proposed By-law amendments through the public notification process. Additionally, residents will be made aware of the new enforcement measures through education and marketing campaigns.

### **ENVIRONMENTAL IMPLICATIONS**

Waste that is improperly disposed/managed has the potential to contaminate soil and water. This is especially a concern as material begins to degrade and release harmful chemicals through leachate. Dumped material interferes with wildlife either by blocking access to their habitat or entangling them. Certain waste products can also generate combustible gases which can ignite, causing forest fires.

### **ALTERNATIVES**

1. Regional Council defeat the staff motion recommending adoption of By-law S-612 as set out in Attachment B to this report. This would result in status quo enforcement of illegal dumping and litter complaints as outlined in this report.
2. Regional Council deny the allocation of additional funding for staff resources within SWR; Municipal Compliance could maintain status quo in their response to illegal dumping complaints. Solid Waste could support investigations in building cases, or in conducting surveillance at problematic sites. This alternative is not recommended as it does not provide additional measures to hold illegal dumpers accountable.

**ATTACHMENTS**

Attachment A – Showing Proposed Amendments to By-law S-600  
Attachment B - Amending By-law S-612

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Shannon Betts, Diversion Policy Coordinator (902.476.2470)

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**HALIFAX REGIONAL MUNICIPALITY**  
**SOLID WASTE RESOURCE COLLECTION AND DISPOSAL BY-LAW**  
**BY-LAW No. S – 600**

**1. TITLE**

1.1 This By-law shall be known and may be cited as the “*Solid Waste Resource Collection and Disposal By-Law*”.

**2. DEFINITIONS**

2.1 In this By-Law the following words and phrases shall have the following meanings:

(a) “bulky items” means large items of a household nature including but not limited to furniture, stoves, mattresses, bed springs, barrels, water tanks, dishwashers, pieces of fencing and oil tanks.

(b) “blue bag recyclables” means glass bottles and jars, aluminum, steel and tin cans, high density polyethylene, low density polyethylene, and polyethylene terephthalate plastic bottles, containers and bags, milk and juice cartons, tetra packs and mini-sip containers or other items as designated by Council from time to time.

(c) “boxboard” means cereal, shoe, tissue, detergent, cracker, cookie, baking product and frozen food boxes, toilet paper rolls and paper towel rolls or other similar items.

(ca) “chute” includes a sloping or vertical channel, tube or slide, which is capable of conveying ICI waste from one level or floor to a lower level or floor;

(d) “collectible waste” means material originating from eligible premises and placed by the owner or occupant for collection by a collection contractor or by an agent of the Municipality and includes, without limitation, mixed waste, recyclable materials, and organic materials.

(e) “collection contractor” means any company, person or persons and the agents of such persons under contract with the Municipality to collect collectible waste from eligible premises.

(f) “commercial container” means any container used for the storage of ICI waste or any container used for the storage of organic materials or recyclable materials originating from industrial, commercial or institutional premises on properties located in the Municipality for collection by a hauler;

(g) “collection day” means any day which is scheduled by the Municipality for municipal collection of collectible waste.

(h) “commercial enterprise” means an enterprise which is commercially assessed for business occupancy tax, a commercial tax rate by the Municipality, or an apartment building having one civic address and more than six (6) units but does not include a business located in a residential dwelling such as, but not limited to, a home occupation or a professional office;

(i) “commercial premises” means any lot of land which contains one or more commercial enterprises.

(ia) “common area containers” means separate containers for the source-separation of organic materials, blue bag recyclables, cardboard, paper and ICI waste located in a common area at industrial, commercial and institutional premises.

(j) “construction and demolition waste” means material generated as a result of construction, demolition, or renovation activities and includes but is not limited to polystyrene or fibreglass insulation, pieces of gyprock and scrap wood.

(ja) “corrugated cardboard” means a paper-based material generally consisting of a fluted corrugated sheet and one or two flat linerboards. It is widely used in the manufacture of corrugated boxes, corrugated shipping containers and other similar products.

(k) “Council” or “council” means the Council of the Halifax Regional Municipality.

(l) “dwelling” means a building, or a unit in a building, occupied or intended to be occupied as a home, residence or sleeping place by one or more persons but does not include a hotel, motel, guesthouse or inn.

(m) “eligible premises” means those properties within the Municipality which are eligible for municipal collection as defined in Section 5.1 of this By-law.

(n) “fibre recyclables” means boxboard, mixed paper, corrugated cardboard, newsprint, magazines, catalogues, flyers, telephone and other soft cover books and egg cartons or other similar items designated by Council from time to time.

(o) “food waste” means fruit and vegetable peelings, table scraps, meat, poultry and fish, shellfish, dairy products, cooking oil, grease and fat, bread, grain, rice and pasta, bones, egg shells, coffee grounds and filters, tea leaves and bags or other similar items.

(p) “front-end processing facility” means a facility designed to receive and sort ICI waste and mixed waste and to recover selected items.

(q) “hauler” means any company, person or persons who transports waste materials including, without limitation, ICI waste, mixed waste, recyclable materials, or organic materials to waste management facilities operated by the Municipality, its contractor(s) or its agents or to other waste management facilities approved under applicable law for disposal of waste materials.

(qa) “illegally dumped material” means the depositing of waste in any manner or at any site other than those permitted under this By-law that

(i) causes damage, injury, or poses a hazard or potential hazard to people, property or the environment,

(ii) must be removed by vehicle transport, or

(iii) requires an environmental clean-up or other remediation to restore the site;

(r) “industrial/commercial/institutional waste” or “ICI waste” means material of similar composition as mixed waste collected within the Municipality other than by municipal collection.

(s) “institutional premises” means any building exclusively used by any corporate body or society for promoting a particular purpose on a non-profit basis and includes public buildings.

(t) “leaf and yard waste” means leaves, brush, twigs, house and garden plants, sawdust and wood shavings or other similar items, excluding grass clippings.

(ta) “litter” means any material left or abandoned in a place other than a receptacle or place intended or approved for receiving such material;

(u) “Administrator” means a person appointed in writing by the Chief Administrative Officer to administer this by-law, or a person appointed by the Administrator as his designate;

(v) “materials recovery facility” means a facility designed to receive, sort, process, store and ship to market recyclable materials.

(w) “mini-bin” means a small container supplied to eligible premises by the municipality for the collection of organic materials prior to deposit in an organic materials regulation container.

(x) “mixed waste” means and includes all collectible waste other than that which is collected as recyclable materials or organic materials including:

(i) broken bottles, crockery and glassware, floor sweepings, discarded clothing and furnishings, non-recyclable plastic and metal, non-recyclable packaging, non-repairable household goods and other household waste;

(ii) glass that is tightly wrapped in cardboard or other suitable material and clearly marked to prevent injury to collection personnel;

(iii) bulky items and white goods;

(iv) ashes and soot that is completely cold placed in plastic disposable watertight bags securely tied and marked “ashes” or “soot”;

(v) residential home renovation waste materials;

(vi) other items not specifically designated as mixed waste except as excluded by this By-law.

(y) “mixed waste regulation container” means a container as specified in Section 7.2 for the collection of mixed waste.

(z) “municipal collection” means the scheduled collection of collectible waste made by or on behalf of the Municipality, at the expense of the Municipality, for eligible premises.

(aa) “Municipality” or “municipality” means the Halifax Regional Municipality.

(bb) “non-collectible waste” means all material other than collectible waste and without limitation includes:

(i) transient waste;

(ii) liquid waste or material that has attained a fluid consistency and has not been drained;

(iii) highly combustible or explosive materials, including without limitation, celluloid cuttings, motion picture film, oil or gasoline soaked rags, gas containers, chemicals, acids or other combustible residues, fine dry sawdust, ammunition, dynamite, or other similar material;

(iv) material that is considered pathogenic or biomedical including, without

limitation, dressings, bandages or other infected material or hypodermic needles discarded in the course of the practice of physicians, surgeons, dentists or veterinarians;

(v) trade waste;

(vi) carcasses or parts of any animal except food waste;

(vii) waste listed or characterized as hazardous by any federal or provincial law;

(viii) sheet iron, large pieces of scrap metal or machine parts, automobile parts, fuel tanks and bodies;

(ix) septic tank pumpings, raw sewage or industrial sludge;

(x) radioactive materials;

(xi) soil, rock and stumps;

(xii) waste material resulting from construction, demolition or renovation activities including planking, siding, bricks, masonry, wood, beams and gyprock left by any contractor or property owner except as permitted herein;

(xiii) industrial waste material from factories or other manufacturing processes;

(xiv) manure, kennel waste, excreta, fish processing waste;

(xv) waste material from commercial containers;

(xvi) lead-acid automotive batteries and propane tanks;

(xvii) waste material which has not been placed for collection in accordance with the provisions of this By-Law; and

(xviii) materials banned from landfill disposal by the Nova Scotia Department of the Environment unless such materials are recyclable materials or organic materials from eligible premises.

(cc) "oil tanks" means residential oil tanks, cleaned and cut in half, to a maximum size of 200 gallons.

(dd) “organics collection cart” or “cart” means an aerated cart supplied to eligible premises by the Municipality for the collection of organic materials.

(ee) “organic materials” means food waste, leaf and yard waste, boxboard, soiled and non-recyclable paper, branches and bushes, natural Christmas trees without decorations and stands and other material of plant or animal origin as designated by Council from time to time.

(ff) “organic materials regulation container” means a cart or other container as specified in Section 7.2 for the collection of organic materials.

(ffa) “owner” includes

(i) a part owner, joint owner, tenant in common or joint tenant of the whole or any part of and or a building,

(ii) 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 and control of the land or building,

(iii) a person who occupies shores, beaches or shoals, and

(iv) in absence of proof to the contrary, the person assessed for the property;

(ffb) “paper” means boxboard, mixed paper, newsprint, magazines, catalogues, flyers, telephone books, soft cover books, and paper egg cartons or other similar items designated by Council from time to time.

(ffc) “Peace Officer” means a police officer, by-law enforcement officer or a special constable appointed pursuant to the *Police Act*, S.N.S. 2004, c.31;

(ffd) “privacy bag” means a solid colour plastic garbage bag or a single container pursuant to Section 7.2(a)(vi).

(fae) “provincial disposal bans” means materials banned from disposal in landfills and incinerators under the Solid Waste - Resource Management Regulations of the Environment Act of the Province of Nova Scotia as updated and amended from time to time.

(gg) “recyclable materials” means fibre recyclables, blue bag recyclables and other materials of a recyclable nature.

(hh) “recyclable materials regulation container” means a container as specified in Section 7.2 (c) for the collection of recyclable materials.

(ii) “regulation container” means a mixed waste regulation container; an organic materials regulation container or a recyclable materials regulation container.

(ia) “residential home renovation waste materials” means construction and demolition waste generated as a result of residential home construction, demolition, or renovation activities and includes pieces of gyprock, pieces of scrap wood, rolled carpet and rigid polystyrene foam or fibreglass insulation;

(jj) “residuals disposal facility” means a facility for the disposal and containment of ICI waste and mixed waste.

(kk) “scale clerk” means the person(s) responsible for the operation of the scale system(s) located at the waste management facilities operated by the Municipality, its contractors or its agents.

(ll) “single family dwelling” means a dwelling as defined herein occupied by a single family unit and includes a mobile home and a dwelling within a multi-unit residential dwellings in a duplex, rowhouse or townhouse.

(mm) “soiled and non-recyclable paper” means napkins, paper towels & fast food wrappers, wax paper, paper plates and cups, damp and soiled newspaper and flyers, sugar, flour & potato paper bags or other similar items.

(nn) “source separated composting facility” means a facility designed to receive, process and compost organic materials.

(oo) “trade waste” means materials accumulated as a result of commercial activities such as packing materials, display boards, rags, paper, and other waste materials resulting from such activities.

(pp) “transfer station” means a facility operated by or on behalf of the Municipality for unloading and consolidating ICI waste and mixed waste from collection vehicles for transport to another waste management facility in larger loads.

(qq) “transient waste” means waste material produced outside the Municipality or produced at a location other than at the building in front of which it was placed for pick up.

(rr) “treasurer” means the Administrator of Treasury for the Municipality, the successor to this position or a person designated by the Administrator of Treasury

to act in his/her place.

(ss) “unit” means a self-contained portion of a building occupied as a separate residence.

(tt) “waste disposal fees” means user fees, per tonne fees or per cubic metre fees charged by the Municipality for the acceptance of ICI waste, mixed waste, recyclable materials, and organic materials at designated waste management facilities operated by the Municipality, its contractors or its agents.

(uu) “waste management facilities” means any of the facilities for the management of ICI waste, mixed waste, recyclable materials, and organic materials operated by the Municipality, its contractors or its agents and includes, without limitation, the front end processing facility, materials recovery facility, residuals disposal facility, source-separated composting facility(s), transfer station(s) and waste stabilization facility.

(vv) “waste stabilization facility” means a facility for the stabilization of ICI waste and mixed waste containing residual organic material.

(ww) “white goods” means any large household appliance including but not limited to refrigerators, freezers, air conditioners, stoves, washers, and dryers with the CFC refrigerants removed as required by applicable law, provided that any such item may be no more than 200 kilograms in weight.

### **3. THE ADMINISTRATOR**

3.1 The Administrator shall administer and enforce the provisions of this By-Law and, for this purpose, may:

- (a) divide the Municipality into areas for the purposes of collection of collectible waste from eligible premises on various days of the week;
- (b) designate a particular day of the week for collection of collectible waste in each designated collection area;
- (c) alter the boundaries of areas as deemed necessary on reasonable notice to the public;
- (d) administer and liaise with any collection contractor who may be hired by the Municipality to carry out collection of collectible waste within the Municipality;
- (e) assign organics collection carts and mini-bins to eligible premises;

(f) determine the frequency of collection of collectible waste in each designated collection area of the Municipality; and

(g) designate the conditions and guidelines relating to the acceptance of waste materials at waste management facilities.

#### **4. THE PUBLIC**

4.1 The owner or occupier of an eligible premises shall:

(a) utilize regulation containers for the storing and collection of mixed waste, recyclable materials, and organic materials;

(b) provide sufficient and adequate regulation containers to contain collectible waste generated at the eligible premises;

(c) maintain such regulation containers in good repair and in a sanitary condition;

(d) ensure that each regulation container is covered and secured at all times except when being emptied or filled;

(e) store collectible waste outside the main building on the eligible premises only in secured regulation containers made inaccessible to pests or animals;

(f) ensure the proper preparation of all collectible waste in accordance with this By-Law;

(g) ensure that collectible waste is placed for collection in accordance with this By-Law;

(h) where reasonably possible, ensure that collectible waste remains behind or beside the main building on the eligible premises except on collection day; and

(i) source-separate all collectible waste generated from eligible premises at the point of generation so as to comply with the provincial disposal bans and to facilitate their recycling, composting or disposal in accordance with the Municipality's waste resource management system.

#### **5. ELIGIBLE PREMISES**

5.1 Eligible premises include the following occupied dwellings, buildings and types of premises, when they have been granted an occupancy permit by the Municipality:

(a) single family dwellings including mobile homes;

(b) multi unit residential dwellings that constitute a unit in a duplex, rowhouse or townhouse dwelling having street or road frontage;

(c) multi-unit apartment or condominium buildings to a maximum of six (6) units;

(d) small commercial and institutional premises in areas of the Municipality where such premises are designated and serviced with municipal collection according to resolution of Council; and

(e) condominium buildings with seven (7) or more units where such premises are in areas of the Municipality designated and serviced with municipal collection according to resolution of Council.

5.2 Owners and occupants of properties not defined herein as eligible premises shall not place any waste materials at the curbside of such properties for municipal collection.

5.3 Where a property of the type listed in clauses (a) to (e) of subsection 5.1 does not qualify as eligible premises solely because the premises are not occupied, the owner of the said premises may place waste materials originating from the same premises at the curbside for municipal collection as specified in accordance with this by law.

## **6. COLLECTIBLE MATERIAL - PREPARATION AND RESTRICTIONS**

6.1 No materials shall be placed out or caused to be placed out for municipal collection by any person except in accordance with the following:

(a) For eligible premises which are single family dwellings that have street or road frontage and curbside collection, mixed waste shall be placed for municipal collection only in accordance with the following limits or conditions:

(i) Repealed.

(ii) A maximum of six (6) regulation clear plastic bags per mixed waste collection day per unit including one (1) optional privacy bag.

(iii) The privacy bag shall be no larger than eighty-eight (88) centimetres by one hundred (100) centimetres in size.

(b) For eligible premises which are single family dwellings or multi unit residential dwellings, residential home renovation waste materials may be placed for municipal collection to a maximum of five (5) mixed waste regulation containers or bundled materials per unit per mixed waste collection day. The number of bundles shall be included in the six (6) mixed waste regulation clear plastic bag limit as provided in Section 6.1 (a) (ii). Such bundled materials may be no more than 1.2 metres in

length and 34 kilograms in weight.

(c) For eligible premises which are single family dwellings or multi unit residential dwellings, a maximum of one (1) bulky item not exceeding more than 200 kilograms in weight or one white good per mixed waste collection day per unit.

(d) For eligible premises which are multi-unit apartment and condominium buildings (with six (6) or less units), a maximum of four (4) regulation clear plastic bags per unit including one (1) optional privacy bag per unit to a maximum of twenty four (24) per mixed waste collection day as per Section 6(1)(a)(iii).

(e) For eligible premises which are multi-unit apartment and condominium buildings (with six (6) or less units), a maximum of two (2) bulky items (each not exceeding more than 200 kilograms in weight) or two (2) white goods per mixed waste collection day per eligible apartment or condominium building.

(f) For commercial or institutional premises designated by the Municipality as eligible for municipal collection, mixed waste shall be placed for municipal collection only in accordance with the following limits or conditions:

(i) Repealed.

(ia) A maximum of four (4) regulation clear plastic bags per mixed waste collection day per eligible commercial or institutional premises, with a maximum of one (1) privacy bag included in the limit of four (4) mixed waste regulation clear plastic bags. The privacy bag shall be subject to the limit or condition pursuant to 6.1(a)(iii).

(g) For commercial or institutional premises designated by the Municipality as eligible for municipal collection, a maximum of one (1) bulky item not exceeding more than 200 kilograms in weight or one (1) white good per mixed waste collection day per premises.

(h) Construction and demolition waste generated from commercial or institutional premises is not eligible for municipal collection.

(i) Construction and demolition waste generated by eligible premises which are multi-unit apartment and condominium buildings (with six (6) or less units), is not eligible for municipal collection.

(j) Where the Municipality establishes separate municipal collection of organic materials, the following conditions and restrictions shall apply to all such collection:

- (i) the weight of an organics collection cart and its contents shall be no more than 100 kilograms;
  - (ii) a maximum of twenty (20) heavy kraft paper bags of leaf and yard waste may be placed for collection on each organic materials collection day for each eligible premises; with each bag and its contents weighing no more than 25 kilograms;
  - (iii) a maximum of five (5) bundles of branches or bushes may be placed for collection for each organic materials collection day for each eligible premises, with each bundle no more than 1.2 metres in length and 34 kilograms in weight and with no individual piece of material greater than 20 centimetres in diameter.
- (k) There shall be no limit to the amount of blue bag recyclables and fibre recyclables eligible for municipal collection from eligible premises.
- (l) In the case of municipal collection of materials containing refrigerant gas, the following items must display a sticker issued by the appropriate authority indicating that the refrigerant gas (CFCs) have been removed before they are eligible for collection:
- (A) refrigerators
  - (B) freezers
  - (C) air conditioning units
  - (D) dehumidifiers
- (m) No person shall place or cause to be placed for municipal collection any non-collectible waste or material banned from disposal by provincial regulations.

## **7. REGULATION PLASTIC BAGS AND CONTAINERS FOR MUNICIPAL COLLECTION**

7.1 The owner or occupant of each eligible premises shall be responsible to contain designated collectible waste so as to prevent the escape of waste materials into the environment. The owner or occupant of each eligible premises is responsible to gather waste material placed for collection in front of the eligible property that has escaped from its container onto public or private property. Plastic bags shall be used. Loose materials placed in containers shall not be collected.

7.2 Only plastic bags which meet the following specifications and requirements shall be

utilized for the purposes of municipal collection:

- (a) mixed waste regulation plastic bags as follows:
  - (i) clear transparent specifications:
    - (A) bags must be watertight and securely tied with an overall length of between 0.5 metres and 1 metre when empty;
    - (B) bag weight not to exceed 25 kilograms including contents;
    - (C) bags must have a thickness of at least 0.375 millimetres so as to prevent breakage, tearing or splitting upon collection; and
    - (D) Repealed.
    - (E) bags shall be non-coloured transparent bags.
  - (ii) container specifications:
    - (A) containers must be watertight, secured with a cover, equipped with handles in good repair and tapered to be as large or larger at the top as at the bottom;
    - (B) the weight of the container including contents shall not exceed 34 kilograms, the height shall be not less than 46 and not more than 76 centimetres, and the diameter shall be between 38 and 51 centimetres;
    - (C) containers shall be made of metal, plastic or other impermeable material not less than 0.375 millimetres thick;
    - (D) containers must be maintained in a neat and sanitary condition and kept in good repair;
    - (E) cardboard cartons, oil drums, paint cans, or other such containers are not eligible containers for mixed waste.
    - (F) loose mixed waste placed in the container is not eligible for collection.
  - (iii) outdoor, roadside boxes or bins are acceptable for storing plastic bags for mixed waste provided they meet the following specifications:

(A) a box or bin constructed of wood or other material suitable for storing containers or bags of mixed waste as long as the box or bin is rodent and animal proof;

(B) boxes or bins must be affixed with a lid weighing not more than 5 kilograms;

(C) boxes or bins shall at all times be maintained in a neat and sanitary condition and kept in good repair.

(iv) A privacy bag shall comply with paragraphs A,B, and D of subclause (i) of this clause and shall not be of a yellow, red or transparent blue in color.

(v) Plastic bags may be placed for privacy and protective purposes in containers.

(vi) One garbage container of the weight including contents, height and diameter indicated in Section 7.2(a)(ii)(B) may be used in circumstances where a privacy bag is permitted to be utilized by this By-law. The garbage in this container shall be bagged in small bags and shall not be loose.

(b) organic materials regulation containers:

(i) where the Municipality establishes separate collection of organic materials, the following organic materials regulation containers shall be used:

(A) organics collection carts as assigned to eligible premises by the Municipality;

(B) subject to the limits in this By-Law, where there is excess leaf and yard waste material that does not fit into the organics collection cart, this material may be placed out for collection heavy kraft paper bags suitable to contain the waste without spillage or bag breakage;

(C) subject to the limits in this By-Law, where there is excess branches or bushes that do not fit in the organics collection cart, this material may be placed out in bundles.

(c) recyclable materials regulation containers:

(i) the following recyclable materials regulation containers shall be used:

(A) blue bag recyclables must be placed in watertight transparent blue

bags or clear transparent bags of a thickness of at least 0.375mm, and an overall length of not more than 1 metre when empty;

(B) all material must be securely contained so as to prevent material from escaping into the environment;

(C) low density polyethylene opaque bags (grocery bags), transparent bags or separate transparent blue bags must be used to contain paper and boxboard or fibre recyclables, except corrugated cardboard, which may be placed in securely tied bundles weighing no more than 34 kilograms;

(D) the weight of each bag, including contents, placed for recyclable materials collection must not exceed 25 kilograms;

(E) corrugated cardboard may be tied in bundles not greater than 0.65 metres x 1 metre x 0.20 metres (2 ft x 3 ft x 8 in).

## **8. ORGANIC COLLECTION CARTS AND MINI-BINS**

8.1 Eligible premises must comply with the following provisions with respect to organics collection carts and mini-bins:

(a) Eligible premises that receive curbside collection will be delivered and assigned organics collection carts and mini-bins by the Municipality. The Municipality will establish the number of cart(s) and mini-bin(s) assigned to types of eligible premises.

(b) The organics collection cart(s) and mini-bin(s) assigned to eligible premises are to remain with that eligible premises.

(c) Owners or occupants of eligible premises are responsible for the care and cleaning of each organics collection cart and mini-bin which have been assigned to their eligible premises.

(d) The repair of damage or replacement of cart(s) or mini-bin(s) assigned to eligible premises due to misuse, alterations or abuse involving the owner or occupant of the eligible premises shall be the responsibility of the owner or occupant of the eligible premises to which the cart or mini-bin is assigned.

(e) The owner or occupant of eligible premises shall make the cart assigned to the eligible premises available to the Municipality or its contractors or agents within a reasonable time frame upon request for inspection or repair purposes or for identification of the serial number or the radio frequency identification tag

number.

(f) Owners of eligible premises are responsible for the cart(s) and min-bin(s) assigned to the premises and used by tenants who are renting or leasing the premises.

## **9. PLACEMENT OF MATERIALS**

9.1 Collectible waste shall be placed for municipal collection in accordance with this By-Law, including the following:

(a) Collection is at curbside only. All regulation containers must be placed at end of driveway and/or at the edge of the property abutting the street, road or highway without obstructing the street, road or highway.

(b) All materials placed for collection must be placed in front of the eligible premises from which they have accumulated.

(c) Organics collection carts must be placed at the curb in an upright position with the lid closed and the front of the cart facing the street, road or highway.

(d) Recyclable materials must be placed for collection with approximately 1 metre spacing between these materials and mixed waste or organics materials.

(e) Owners or occupants of eligible premises on private streets or roads are eligible for curbside collection on the private street or road if the street or road is safely passable by a collection vehicle. If the private street or road is not safely passable by a collection vehicle, the collectible waste must be brought to the nearest intersection with a public street or road and placed in accordance with this By-Law, where it shall be collected.

9.2 Subject to section 10, owners shall maintain the area between the curb and their property line free from garbage, waste or debris whether or not it is placed in containers.

9.3 Where the owner fails to maintain the area between the curb and their property line as required by section 9.2 the Administrator or a peace officer may serve an Order to Remove Improperly Placed Solid Waste upon the owner by posting the Order in a conspicuous place upon the property.

9.4 If the solid waste is not removed from the area between the curb and their property line in accordance to this By-law and the 24 hour time period outlined in the Order to Remove Improperly Placed Solid Waste the Administrator or a peace officer, may remove such garbage, waste or debris and may recover the cost of such work from the owner.

## **10. COLLECTION TIMES & FREQUENCIES**

10.1 The following provisions apply to municipal collection times and frequencies:

(a) Collection will commence at the following times on the collection days designated in the following areas of the municipality

(i) 7:30 a.m. in all areas of the former City of Halifax and the former City of Dartmouth;

(ii) 7:00 a.m. in all areas of the former County of Halifax and the former Town of Bedford.

(b) Collection will be completed by the following times on the collection day designated in the following areas of the municipality:

(i) 5:00 p.m. in all areas of the former City of Halifax and the former City of Dartmouth;

(ii) 4:30 p.m. in all areas of the former County of Halifax and the former Town of Bedford.

(c) No person shall place collectible waste out for collection before 7:00 p.m. the evening of the day prior to the collection day applicable in that area of the Municipality.

(d) Collection of mixed waste and organic materials shall be biweekly (once every two weeks) on alternating weeks for areas where organic collection carts have been assigned by the Municipality.

(e) No person shall place mixed waste out for collection on the organic materials collection day applicable in that section of the Municipality.

(f) No person shall place organic materials out for collection on the mixed waste collection day applicable in that section of the Municipality.

(g) Where an area is designated to receive bi-weekly collection of recyclable materials, no person shall place recyclable materials out for collection on the week not designated as the recyclables material collection week applicable in that section of the Municipality.

(h) Mixed waste collection containers and organic collection carts must be

removed from curbside by 9:00 p.m. the day of collection. Any materials not collected must be removed from curbside by 9:00 p.m. the day of collection.

(i) Collectible waste must be placed for collection by the designated commencement time for collection in the area.

(j) When a regularly scheduled day for collection falls on a Federal, Provincial or Civic holiday, the collection may be modified to occur on an alternate day as designated by the Administrator.

(k) Collectible waste shall not be stored on eligible premises for a period of more than fourteen (14) days unless a Federal, Provincial or Civic holiday has occurred on the fourteenth day and the alternate designated collection day is after the fourteenth day.

## **11. HOUSEHOLD HAZARDOUS WASTE SERVICES**

11.1 The Administrator may designate the place and time, including the days and hours of operation and the materials eligible for the collection of household hazardous waste in the Municipality. This includes the operation of a permanent household hazardous waste depot and the operation of mobile depot(s) in the Municipality. Household hazardous waste depots may only be used by residents of the Municipality for the proper disposal of household hazardous waste originating within the Municipality. All persons are prohibited from disposing of industrial, commercial and institutional waste at the permanent depot or the mobile depot(s).

## **12. INDUSTRIAL, COMMERCIAL, INSTITUTIONAL OR CONSTRUCTION WASTE**

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

(a) all waste generated by any industrial, commercial or institutional premises, facility or operation not eligible for municipal collection pursuant to this By-Law;

(b) all waste resulting from construction of any kind, including renovation or repair, except that waste eligible for municipal collection pursuant to this By-Law;

(c) all waste resulting from the demolition of a building or structure.

**12.1A On notice from the Municipality, the property owner or occupant of a premises that generates industrial, commercial, or institutional waste shall create and maintain a waste management plan which:**

(a) identifies the solid waste generated by the premises;

(b) identifies the method of storage, recycling, and disposal of solid waste generated by the premises; and

(c) includes a litter management section that complies with the *Solid Waste-Resource Management Regulations* and this By-law.

12.1B Subject to section 12.1A, the property owner or occupant of a premises that generates industrial, commercial, or institutional waste shall provide a copy of the waste management plan within two business days of receiving the notice from the Administrator.

12.2 The property owner of an industrial, commercial or institutional premises shall ensure that:

(a) adequate space is provided on the premises to accommodate containers for the collection of source-separated ICI waste, organic materials and recyclable materials generated at the premises. For recyclable materials, adequate space shall be provided to maintain blue bag recyclables, paper and corrugated cardboard all separate from each other.

(b) signage of sufficient size and number is to be posted to provide occupants with specific recycling and organics instructions for proper sorting of blue bag recyclables, fibre recyclables (i.e. paper separate from corrugated cardboard) and organic materials. Signage for the sorting of blue bag recyclables, fibre recyclables (i.e. paper separate from corrugated cardboard), organic materials and ICI waste is to be located within 3 metres of the commercial container(s);

(c) (i) the location of the commercial container(s) for blue bag recyclables, fibre recyclables (i.e. paper separate from corrugated cardboard) and organic materials shall be within 3 metres of the container(s) for ICI waste; or

(ii) signage is posted adjacent to the container(s) for ICI waste directing persons to the location of the commercial containers on the premises for blue bag recyclables, fibre recyclables (i.e. paper separate from corrugated cardboard), and organic materials; and

(d) where industrial, commercial or institutional premises have a chute, signage is required to be posted on every floor where access to a chute is provided to instruct tenants to the location of commercial containers for blue bag recyclables, fibre recyclables (i.e. paper separate from corrugated cardboard) and organic materials.

12.3 The occupant of an industrial, commercial or institutional premises shall:

- (a) source-separate all waste generated in the occupant's unit or portion of the building at the point of generation into ICI waste, organic materials, blue bag recyclables, paper and corrugated cardboard so as to comply with the provincial disposal bans and to facilitate their recycling, composting or disposal in accordance with the Municipality's waste resource management system; and
- (b) place for collection source-separated material in containers in accordance with Section 13.1 at the storage areas on the property as designated by the property owner.

12.4 At industrial, commercial and institutional premises where the public is responsible for depositing waste materials such as an enclosed or exterior shopping centre, mall, food court, quick service restaurant, sports arena, office complex or other commercial premises, the property owner will provide **labelled** common area containers at such premises which shall be located in a common area within such premises, that is readily and reasonably accessible to the public, tenants, employees and occupants where the contents of said containers are to be collected and placed in commercial containers as required in Sections 13.1 (m)(i), (ii) and (iii) of this By-Law.

12.5 The occupant of an industrial, commercial or institutional premise that offers drive-thru service shall:

- (a) provide the quantity of containers required to dispose of any waste generated by the service; and
- (b) place the containers in such a manner that a person using the drive-thru lane can access them.

## **12A. LITTER ABATEMENT**

12A.1 No person shall release or cause litter to be released into the environment unless

- (a) the litter is placed in a litter receptacle;
- (b) the litter is disposed of at a disposal site for municipal solid waste or an area designated by a municipality having jurisdiction for the disposal of litter; or
- (c) the litter is deposited in a location designated for that purpose by a municipality having jurisdiction during special clean-up days.

12A.2(1) No owner, operator or person in care, management or control of a commercial outlet, service outlet, plant, building, facility or thing shall permit the release of litter from the commercial outlet, service outlet, plant, building, facility or thing into the environment.

(2) A person described in subsection (1) shall clean up any litter discharged or released into the environment.

12A.3(1) No owner, operator, contractor or person in care, management or control of the construction, repair or demolition of a plant, building, facility, or thing shall permit the release of litter from the plant, building, facility, or thing into the environment.

(2) A person described in subsection (1) shall clean up any discharged litter released into the environment.

12A.4(1) An owner, operator, or person in care, management or control of a business or operation

(a) where food or beverages are sold in cartons, containers, foils or papers and

(b) where cartons, utensils, containers, foils or paper are discarded in the vicinity by the patrons of the business or operation,

shall provide receptacles for litter, organics and recyclable materials in appropriate and easily accessible locations, and shall service, maintain and empty the receptacles.

(2) An owner, operator, or person in care, management or control of a business or operation shall keep the property and all public or private lands, streets, lanes, passageways, beaches or docks within 15 m of any boundary of their property free of all litter unless the landowner or operator denies access to their lands for this purpose.

(3) A person described in subsections (1) and (2) shall ensure that the discarded materials are collected and disposed of as prescribed in these regulations.

12A.5 (1) A person who organizes or is responsible for a public or private event shall

(a) provide an adequate number of receptacles for litter, organics and recyclable materials in appropriate and easily accessible locations; and

(b) service, maintain and empty the receptacles as required.

(2) Every person who organizes or is responsible for a public or private event shall ensure that the property where the event takes place and all public or private lands, streets, lanes, passageways, beaches or docks within 15 m of the boundary of the property are free from all litter within 24 hours after the conclusion of the event, unless the land owner or operator denies access to their lands for this purpose.

### **13. COMMERCIAL CONTAINERS**

13.1 The following provisions apply to commercial containers:

(a) Any person who makes use of a commercial container for the temporary storage of waste shall ensure that such commercial container:

(i) is sturdily constructed of weather-proof and animal proof material and is capable of containing the material deposited within;

(ii) is equipped with a tight-fitting lid with a positive closing device which shall be kept closed except when the container is being loaded or unloaded;

(iii) meets the performance requirements set out in clause 3 of the American National Standards Institute Z245.3-1977, Safety Requirements for the Stability of Refuse Bins as updated and amended from time to time;

(iv) is placed on a hard level surface and is loaded uniformly and has displayed thereon the following message or similar: "CAUTION: DO NOT PLAY ON OR AROUND";

(v) has displayed thereon the name and telephone number of the owner of the container and the type of material to be deposited therein;

(vi) is cleaned out regularly and periodically, as necessary, to avoid the build-up of odours;

(vii) where tenants are required to place materials in the container, the container shall be designed and situated so as to be reasonably accessible for this purpose.

(viii) has displayed thereon the following message “GARBAGE” or “WASTE” or “REFUSE”, where ICI waste is to be deposited in the commercial container;

(ix) has displayed thereon the following message “RECYCLABLES” or “BLUE BAG RECYCLABLES”, where blue bag recyclables are to be deposited in the commercial container;

(x) has displayed thereon the following message “PAPER” where paper is to be deposited in the commercial container, and has displayed thereon the following message “CARDBOARD ONLY” or “CARDBOARD” where corrugated cardboard is to be deposited in the commercial container;

(xi) has displayed thereon the following message “ORGANICS” or “COMPOST”, where organic materials are to be deposited in the commercial container;

(xiii) any message required by this section that is placed directly on commercial container(s) of less than 365 litres volume shall use lettering that is not less than 5 cm in height and 2.5 cm in width and any message required by this section that is placed on larger commercial container(s) or posted within 3 metres of the commercial container(s) shall use lettering that is not less than 10 cm in height and 4 cm in width.

(xiii) any message required by this section shall use lettering that is not less than 10 centimetres in height and 4 centimetres in width.

(b) The owner of any premises on which a commercial container is placed shall ensure that:

(i) where possible, any such container is kept behind or beside the building which it serves;

(ii) if kept in front of the building due to lot size and/or property configuration, such container is located at least 6 metres from the front property line;

(iii) any such container is **reasonably** screened so as not to be visible from any street; and

(iv) any such container is kept in a manner that is not unsightly and does not cause a nuisance or health-related problem.

(c) Where it is physically impossible for the owner to comply with the requirements of 13.1 (b) or in the case where the premises does not contain a building, the owner may keep the commercial container at a location on the premises which is not unsightly and does not cause a nuisance or health-related problem.

(d) A commercial container may be placed on a premises for a temporary period of time not longer than one month when the placement is in relation to the construction or repair of a building or structure, provided the commercial container is removed as soon as the construction or repair ceases or if it is to remain on the premises, the commercial container is made to comply with the provisions of this By-Law.

(e) The owner of any commercial container shall keep such container clean and in good condition and the cover shall be kept in good working order.

(f) No person shall place a commercial container on any surface unless the surface is hard, level and weather-resistant.

(g) No person shall place a commercial container on any public street within the Municipality without the written permission of the Municipality.

(h) The owner of any premises on which a commercial container is located shall be responsible to ensure that any such container is loaded uniformly and is loaded such that waste material is completely contained within the container when closed.

(i) The owner of any premises upon which a commercial container is located shall be responsible to:

(i) keep the area surrounding any such container free from litter and waste;

(ii) cause any such container to be emptied at least once in every seven (7) days or more frequently if the container becomes filled before the seven-day period elapses unless the material is of a nature such that longer storage will not cause a nuisance or health related problem (e.g. dry or inert type materials, recyclables, scrap metals, etc.);

(iii) cause such container to be normally covered while containing waste.

(j) The owner of any industrial, commercial or institutional premises may make use of aerated or other commercial container(s) specifically designed for containing

organic materials and commercial container(s) such as wheeled totes for containing blue bag recyclables, transparent plastic bags to contain paper or such other commercial container(s) specifically designed to contain materials and approved by the Administrator for the storage and collection of source-separated organic or recyclable materials from industrial, commercial or institutional premises provided that the owner shall not use any commercial container provided for pursuant to this section for the storage of ICI waste and provided that the owner complies with the other applicable requirements of this Section 13.1.

(k) No person shall place waste in any commercial container without permission of the owner of the container.

(l) The one month time limit in 13.1 (d) above can be extended with permission of the Administrator.

(m) The owner of any industrial, commercial or institutional premises shall ensure that commercial containers on the premises:

- (i) accommodate source-separated waste generated at that location;
- (ii) are designed and constructed such that the waste (i.e. ICI waste, organic materials, blue bag recyclables, paper and corrugated cardboard) remains in a source-separated condition; and
- (iii) are easily accessible to the occupants.

#### **14. PLACING WASTE FROM NON-ELIGIBLE PREMISES CURBSIDE**

14.1 No person shall place waste from premises other than eligible premises or other waste that is not collectible waste on municipal property for collection or other reason without written permission from the Administrator.

#### **15. VEHICLES CARRYING WASTE**

15.1 The following provisions apply to vehicles carrying waste materials:

(a) Persons who collect, transport and dispose of waste materials, ICI waste, mixed waste, organic materials and recyclable materials shall do so in a sanitary manner; any fluid matter shall be transported in watertight containers having tight-fitting covers.

(b) Every vehicle used for the collection and transportation of waste materials, ICI waste, mixed waste, organic materials, and recyclable materials shall have a tailgate or other restraining device and shall be closed or equipped with a tarpaulin, and such tarpaulin shall be used to cover such waste materials, ICI waste, mixed waste, organic materials and/or recyclable materials while the same is being transported.

(c) All waste materials, ICI waste, mixed waste, organic materials and recyclable materials shall be transported in such a manner that materials shall not spill or scatter from the vehicle containing the same.

(d) Waste materials, ICI waste, mixed waste and organic materials shall generally not remain in a vehicle overnight but shall be transported and disposed of on the same day as collected except in circumstances such as poor weather conditions, occasional equipment breakdowns, facility closures, etc. where delays shall be minimized and disposal shall occur as soon as reasonably possible.

(e) All vehicles or containers used for the transportation of waste materials, ICI waste, mixed waste and organic materials shall be hosed down as required and kept in a sanitary condition.

(f) All vehicles or containers used for the transportation of recyclable materials shall be kept in a sanitary condition.

(g) The Administrator may inspect vehicles used for the collection or carriage of waste materials at all reasonable times to ensure compliance with this By-Law.

15.2 Persons who collect and transport ICI waste, blue bag recyclables, paper, corrugated cardboard and organic materials that have been placed for collection in accordance with Section 12.3 (b) at industrial, commercial or institutional premises or properties shall transport that ICI waste, blue bag recyclables, paper, corrugated cardboard and organic materials in a source-separated condition and deliver the same material in a source-separated condition to the appropriate receiving facility in accordance with the Municipality's waste resource management system.

#### **15A. DISPOSAL AT A WASTE MANAGEMENT FACILITY**

15A.1 No person shall dispose of or cause the disposal of waste at a waste management facility except as provided for in this By-law.

15A.2.A person may dispose of waste at a waste management facility:

(a) during the hours the waste management facility is open; and

(b) if the waste management facility is designated to receive the category of waste being disposed of.

15A.3 Notwithstanding section 15A.2, no person shall dispose of waste or cause the disposal of waste at a waste management facility where the staff at the waste management facility refuse to accept waste.

## **16. PROHIBITIONS**

16.1 No person shall:

- (a) pick over, remove, disturb or otherwise interfere with any waste material that has been set out for municipal collection;
- (b) collect waste material placed for municipal collection; or
- (c) remove a container or organics collection cart placed at curbside.

16.2 The prohibitions in Section 16.1 do not apply to the person who placed the waste material for collection or to the Municipality, its contractors or authorized Municipal collection contractors.

16.3 No person shall export or remove solid waste material generated within the Municipality outside the boundaries of the Municipality and all such solid waste shall be disposed of within the boundaries of the Municipality and in accordance with this By-law.

16.4 Notwithstanding subsection 16.3, the Municipality may export solid waste materials to licensed disposal facilities outside the boundaries of the Municipality only when the volumes of solid waste delivered to municipal facilities exceed the capacity of the facilities to handle the materials.

16.5 For the purpose of

- (a) Section 16.3, “solid waste” means solid waste materials including but not limited to collectible waste, construction and demolition waste, mixed waste, and organic materials but does not include ICI waste;
- (b) Section 16.4, “solid waste” means solid waste materials including but not limited to collectible waste, ICI waste, construction and demolition waste, mixed waste, and organic materials but does not include,

recyclable materials from industrial, commercial and institutional premises, international waste, pathogenic or biomedical waste, waste dangerous goods, hazardous waste materials, septic tank pumpings, raw sewage, industrial sludge and contaminated soils and solids as defined by appropriate regulatory bodies having jurisdiction from time to time and as determined by the Administrator or person designated to act in place of the Administrator.

16.6 For greater certainty, and notwithstanding any provision in this By-law which directs otherwise, the property owner or occupant of premises which generate ICI waste may, either personally, or by employees, contractors or agents, export ICI waste outside the boundaries of the Municipality.

**16A. ILLEGALLY DUMPED MATERIAL**

16A.1 No person shall deposit or cause the deposit of illegally dumped material.

**16B. PERSON RESPONSIBLE FOR ILLEGALLY DUMPED MATERIALS**

16B.1 Where a person is identified to be the owner of any illegally dumped material, that person is presumed to have deposited the materials.

16B.2 On the request of a peace officer, a person presumed to have deposited illegally dumped material under s 16B.1 shall provide the peace officer with:

- (a) the name and address of the person who deposited the material,
- (b) the license plate of any vehicle used to deposit the material, or
- (c) any information that allows a peace officer to identify the person who deposited the material.

16B.3 A person who refuses, fails, neglects, or is unable to provide

- (a) the name and address of the person who deposited the material,
- (b) the license plate of any vehicle used to deposit the material, or
- (c) any information that allows a peace officer to identify the person who deposited the material

under section 16B.2 within 48 hours of the peace officer's request, shall be liable for the offence of the person who deposited the materials.

16B.4 A person who provides any of the information in section 16B.2 within 48 hours of the peace officer's request rebuts the presumption against them in section 16B.1.

16B.5 On the request of a peace officer, a person identified under section 16B.2 as having deposited illegally dumped material shall provide the peace officer with:

- (a) the name and address of the person who deposited the material,
- (b) the license plate of any vehicle used to deposit the material, or
- (c) any information that allows a peace officer to identify the person who deposited the material

16B.6 A person who refuses, fails, neglects, or is unable to provide

- (a) the name and address of the person who deposited the material,
- (b) the license plate of any vehicle used to deposit the material, or
- (c) any information that allows a peace officer to identify the person who deposited the material

under section 16B.5 within 48 hours of the peace officer's request, shall be liable for the offence of the person who deposited the materials.

16B.7 In any prosecution under this section, it is a defence if the owner of the illegally dumped materials can prove that the materials were taken or dumped without their knowledge or consent.

## **16C. DUTY TO NAME PERSON IN CHARGE OF VEHICLE**

16C.1 When a motor vehicle

- (a) is operated in violation of this By-law, or
- (b) is used to commit an offence under this By-law,

the registered owner of the vehicle on the request of a peace officer shall, within 48 hours of the request, supply the peace officer with the name and address of the person in charge of the vehicle at the time of such violation.

16C.2 A registered owner, who refuses, fails, neglects or is unable to supply the name and address of the person in charge of the vehicle within 48 hours after being so requested, shall be liable for the offence of the driver.

16C.3 In any prosecution under this section it shall be a defence if the registered owner or the person who had charge of the vehicle with the consent of the registered owner, as the case may be, can prove that the vehicle was being operated at the time of the violation without their knowledge or consent, either expressed or implied.

## **17. WASTE DISPOSAL FEE STRUCTURE**

17.1 The fees and charges for the depositing of materials by haulers and persons who transport waste materials acceptable for disposal at any waste management facility operated by the Municipality, its contractors or its agents as part of the Municipality's waste management system shall be as prescribed from time to time by Council by policy in Administrative Order Number 16 of the Municipality.

17.2 Notwithstanding Section 17.1, haulers delivering materials to the Municipality's waste management facilities which require special handling or disposal techniques shall

pay the actual costs of such deposit and disposal determined as follows:

- (a) The hauler shall give the Municipality and its contractors or its agents 10 days notice that it requests permission to deposit such wastes for disposal at the waste management facility, stating the properties, characteristics, origins and amounts of such waste materials;
- (b) On receipt of such notice, the Municipality and its contractors or its agents shall advise the hauler whether or not it will accept delivery of such wastes at the waste management facility; and
- (c) If the waste material is acceptable, the Municipality and its contractors or its agents shall advise the hauler of the time when and under what conditions it will accept deposit of such wastes at the waste management facility, provided the hauler pays the Municipality the actual cost of such deposit and disposal plus twenty percent, and further provided that the hauler agrees to save harmless the Municipality and assume full liability for the deposit and disposal of such wastes.

17.3 No waste disposal fee shall apply to collectible waste from eligible premises collected through municipal collection and deposited by collection contractors engaged by the Municipality at waste management facilities operated by the Municipality, its contractors or its agents.

## **18. VEHICLE REGISTRATION**

18.1 Haulers using the Municipality's waste management facilities shall comply with the registration requirements of the Municipality including vehicle registration for such haulers.

18.2 The following provisions apply to vehicle registration for haulers using the Municipality's waste management facilities:

- (a) Haulers (other than those users of cars, station wagons, mini-vans, sport utility vehicles and one quarter ton trucks) using the Municipality's waste management facilities shall pre-register identifying information and the tare weight for each vehicle as required by the Municipality from time to time, and separately identify those vehicles to be used in scheduled waste collection services operated on behalf of the Municipality (if the hauler is also a collection contractor).
- (b) Haulers who wish to be granted credit privileges with the Municipality must register adequate identifying information with the Municipality. Each hauler and/or each hauler's vehicle will be assigned a unique identification code and/or issued appropriate physical identifying property. The physical identifying property issued shall remain the sole property of the Municipality and shall be returned promptly at the expiration of its use as determined by the Municipality at its sole discretion. Unique identification codes assigned to a hauler's vehicle shall be displayed on the left front of the vehicle in characters at least 10 centimetres high.

(c) Each hauler and hauler's vehicle using the Municipality's waste management facilities which has been granted credit privileges must present the assigned and/or issued identification to the scale operator upon entering the facility. The hauler to whom the assigned and/or issued identification is registered to will be invoiced for all materials delivered under his/her identification.

## **19. FEE PAYMENT**

19.1 The following applies to the payment of fees:

(a) At Halifax Regional Municipality waste management facilities where cash payment is accepted, unless credit privileges have been granted, haulers who transport acceptable material to a facility operated by the Municipality, its contractors or its agents will be required to pay cash at the site in accordance with sections (i) to (iv) below:

(i) Where only one scale is in operation and the tare weight of a vehicle transporting materials has been predetermined, a cash payment is required upon being weighed in accordance with the fee structure prescribed by Administrative Order 16.

(ii) Where only one scale is in operation and the tare weight of a vehicle transporting materials for disposal has not been predetermined, a cash deposit prescribed by Administrative Order 16 is required upon entering the facility. The vehicle will be weighed upon entering the facility and again upon leaving. The hauler will pay the fee prescribed by Administrative Order 16 prior to leaving the facility. If the deposit is greater than the actual fee, the hauler will receive a refund for the difference. If the deposit is less than the actual fee, the hauler will be required to pay the difference in addition to the deposit already paid, prior to leaving the facility.

(iii) Where both inbound and outbound scales are in operation, vehicles entering are required to pay a cash deposit prescribed in Administrative Order 16, upon entering the facility. The vehicle will be weighed upon entering the facility and again upon leaving. The hauler will pay the fee prescribed by Administrative Order 16 prior to leaving the facility. If the deposit is greater than the actual fee, the hauler will receive a refund for the difference. If the deposit is less than the actual fee, the hauler will be required to pay the difference in addition to the deposit already paid, prior to leaving the facility.

(iv) For vehicles such as cars, station wagons, mini-vans, sport utility vehicles and quarter ton trucks with load weights less than 100 kg, a flat cash fee prescribed by Administrative Order 16 will be paid upon entering the noted facility(s). The vehicle will not be weighed upon leaving the facility(s).

(b) At Halifax Regional Municipality waste management facilities where credit privileges have been granted, haulers who transport acceptable material to a facility operated by the Municipality, its contractors or its agents will be required to pay upon invoice in accordance with sections (i) to (iii) below:

(i) Where only one scale is in operation and the tare weight of a vehicle transporting materials has been predetermined, the vehicle will be weighed when entering the facility and a payment upon invoice is required in accordance with the fee structure prescribed by Administrative Order 16.

(ii) Where only one scale is in operation and the tare weight of a vehicle transporting materials for disposal has not been predetermined, the vehicle will be weighed upon entering the facility and again upon leaving. The hauler will pay the fee upon invoice in accordance with the fee structure prescribed by Administrative Order 16.

(iii) Where both inbound and outbound scales are in operation, the vehicle will be weighed upon entering the facility and again upon leaving. The hauler will pay the fee upon invoice in accordance with the fee structure prescribed by Administrative Order 16.

(c) The following provisions apply to haulers who have been granted credit privileges at any waste management facility operated by the Municipality, its contractors or its agents:

(i) Haulers granted credit privileges will receive a monthly Statement of Accounts and payment is due within thirty (30) days of the end of the statement month.

(ii) Where an account for material disposal fees remains unpaid for more than thirty (30) days, a notice of non-payment will be sent by the Municipality. The Municipality may advise that if payment is not received within a specified period of time after mailing of such notice, the hauler shall be refused admittance to all facilities and/or credit privileges withdrawn until such time as the outstanding amounts, interest and service charges are paid. Scale operators will be notified of all haulers on refused admittance status or credit privileges withdrawn status and will be instructed to deny access to the facilities as applicable. The Municipality may require the posting of a performance bond or any other security acceptable to the Municipality in the event that accounts continue from time to time to be unpaid.

(iii) The interest rate to be charged on all outstanding disposal fee accounts will be applied and administered per Administrative Order 14, Interest Charges on Past Due Accounts.

## **19A. Cost of Work**

19A.1 If the Council, a committee, the Administrator or another employee of the HRM causes work to be done pursuant to this By-law the owner shall be fully responsible for the cost of the work, with interest at the rate determined by the Council, by policy, from the date of the completion of the work until the date of payment.

19A.2 In addition to any other remedies at law, if the Council, a committee, the Administrator or another employee of the HRM causes work to be done pursuant to this By-law, the cost of the work, with interest at the rate determined by the Council, by policy, from the date of the completion of the work until the date of payment, is a first lien on the principle use property upon which, or for the benefit of which, the work was done.

## **20. PENALTIES**

20.1 Any person who

(a) violates a provision of this By-law or of an Order issued in accordance with this By-law;

(b) fails to do anything required by this By-law or an Order issued in accordance with this By-law;

(c) permits anything to be done in violation of this By-law or of an Order issued in accordance with this By-law; or

(d) obstructs or hinders any person in the performance of their duties under this By-law or under any Order issued in accordance with this By-law,

is guilty of an offence.

20.1A Every person who violates any provision of this By-Law is guilty of an offence and is liable on summary conviction to a penalty of not less than \$200.00 and not more than \$510,000.00 and in default of payment thereof to a term of imprisonment for not more than 60 days.

20.1B Notwithstanding section 20.1A, every person who violates section 16A.1 is guilty of an offence and is liable on summary conviction to a penalty of not less than \$500.00 and not more than \$10,000.00 and in default of payment thereof to a term of imprisonment for not more than 60 days.

20.1C Each day that a person commits an offence under this By-Law constitutes a separate offence.

20.2 In addition to any fine or imprisonment imposed pursuant to subsection 20.1A or 20.1B, the Court or judge may order the person convicted to pay all expenses incurred in correcting the contravention of the by-law or any damages associated with such

contravention.

20.3 Where any person is in contravention of any provision of this by-law, the Administrator may direct in writing that the contravention be remedied by that person in the manner and within the time specified in the written direction.

## **21. REPEAL**

21.1 The following are hereby repealed:

- (a) By-Law 24330, "Regional Solid Waste Disposal System By-Law" of the Town of Bedford.
- (b) By-Law No. 24331, the "Solid Waste By-Law" enacted by the Town of Bedford on January 28, 1992.
- (c) By-Law S-1200, "A By-Law of the City of Dartmouth Respecting Collection and Disposal of Solid Waste" enacted August 29, 1989.
- (d) By-Law H-400, "A By-Law Respecting A Regional Solid Waste Management System" of the City of Dartmouth.
- (e) By-Law H-500, the "Regional Solid Waste Disposal System By-Law" of the City of Dartmouth.
- (f) "Regulations Relating to the Collection and Disposal of Garbage and Refuse", Board of Health of the City of Halifax.
- (g) City of Halifax Ordinance Number 162, "Respecting the Design, Construction and Operation of a Regional Solid Waste Management System".
- (h) Halifax County Municipality By-Law 36, "A By-Law Respecting the Design, Construction and Operation of a Regional Solid Waste Management System".
- (i) Metropolitan Authority Waste Disposal Fee By-Law No. 7.

Done and passed by Council this **19<sup>th</sup>** day of **January**, A.D. 19**99**.

Walter Fitzgerald  
MAYOR

Vi Carmichael  
MUNICIPAL CLERK

BY-LAW S-600

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Notice of Motion:	November 24, 1998
First Reading:	December 8, 1998
ANotice of Intent@ Publication:	December 26, 1998
Second Reading:	January 19, 1999
Third Reading:	January 19, 1999
Approval of Minister of Housing & Municipal Affairs:	N/A
Effective Date:	January 30, 1999

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Amendment No. 1 (S-601)  
(S. 17.1; 17.2; 17.3; Sub-section 19.1 Clause (a) sub-clauses i, ii, iii, iv;  
Sub-section 19.1 Clause b; Schedules 1 & 2 repealed)

Notice of Motion:	April 6, 1999
First Reading:	April 13, 1999
ANotice of Intent@ Publication:	April 17, 1999
Second Reading:	May 4, 1999
Approval of Minister of Housing & Municipal Affairs:	N/A
Effective Date:	May 8, 1999

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Amendment No. 2 (S-602)  
(S. 16 adding to subsection 16.3, 16.4 and 16.5)

Notice of Motion:	May 21, 2002
First Reading:	May 28, 2002
ANotice of Intent@ Publication:	June 8, 2002
Second Reading:	June 25, 2002
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	June 29, 2002

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Amendment No. 3 (V-100)  
Addition to Section 20 - Penalties

Notice of Motion:	May 27, 2003
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First Reading:	June 10, 2003
ANotice of Public Hearing@ Publication	June 4,2003
Second Reading:	July 8, 2003
Effective Date:	July 12, 2003

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Amendment No. 4 (S-603)  
Amendments to Sections 2.1, 4.1, 5.1, 6.1, 12.1, 13.1, 16.5

Notice of Motion:	June 17, 2003
First Reading:	June 24, 2003
ANotice of Public Hearing@ Publication	August 2, 2003
Second Reading:	August 19, 2003
Approval by Service Nova Scotia and Municipal Affairs:	N/A
Effective Date:	August 23, 2003

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Amendment No. 5 (V-101)  
Amending Section 20.1

Notice of Motion:	August 19, 2003
First Reading:	August 26, 2003
ANotice of Public Hearing@ Publication:	September 6, 2003
Second Reading:	September 23, 2003
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	September 27, 2003

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Amendment No. 6 (S-604)  
Amending Sections 2.1, 6.1, 7.2, 12.2, 13.1, 15.1

Notice of Motion:	July 31, 2007
First Reading:	August 7, 2007
Notice of Public Hearing Publication:	August 18, 2007
Second Reading:	September 4, 2007
Approval by Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	November 5, 2007

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Amendment No. 7 (S-605)  
Amending Sections 2.1, 6.1, 12.2, 12.3, 13.1,15.2, 20.1 and 20.2

Notice of Motion:	April 28, 2009
First Reading:	May 5, 2009
Notice of Public Hearing Publication:	May 16, 2009
Second Reading:	June 2, 2009
Approval by Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	July 1, 2009

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Amendment No. 8 (S-606)  
Amending Section 19.1

Notice of Motion:	July 6, 2010
First Reading:	August 3, 2010
Notice of Public Hearing Publication:	August 28, 2010
Second Reading:	September 14, 2010
Approval by Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	September 18, 2010

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Amendment No. 9 (S-609)  
Amending Section 16

Notice of Motion:	December 9, 2014
First Reading:	January 13, 2015
Notice of Public Hearing Publication:	January 17, 2015
Second Reading:	February 3, 2015
Approval by Service Nova Scotia and Municipal Relations	N/A
Effective Date:	February 14, 2015

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Amendment No. 10 (S-608)

Notice of Motion:	September 9, 2014
First Reading:	September 23, 2014
Notice of Public Hearing Publication:	November 15, 2014
Second Reading:	February 3, 2015
Effective Date:	August 1, 2015

**HALIFAX REGIONAL MUNICIPALITY  
BY-LAW S-612  
RESPECTING AMENDMENTS TO BY-LAW S-600  
SOLID WASTE RESOURCE COLLECTION AND DISPOSAL BY-LAW**

**BE IT ENACTED** by the Council of Halifax Regional Municipality, that By-Law S-600, the *Solid Waste Resource Collection and Disposal By-Law*, is further amended as follows:

1. add page numbers to the bottom centre of each page;
2. section 2.1 is amended by:
  - (i) adding the following definition after the definition of “hauler” and immediately before clause (r):
    - (qa) “illegally dumped material” means the depositing of waste in any manner or at any site other than those permitted under this By-law that
      - (i) causes damage, injury, or poses a hazard or potential hazard to people, property or the environment,
      - (ii) must be removed by vehicle transport, or
      - (iii) requires an environmental clean-up or other remediation to restore the site;
  - (ii) adding the following definition after the definition for “leaf and yard waste” and immediately before clause (u):
    - (ta) “litter” means any material left or abandoned in a place other than a receptacle place intended or approved for receiving such material;
  - (iii) renumber clause (ffa) to clause (ffe);
  - (iv) adding the following definition as the new clause (ffa) after clause (ff) and immediately before clause (ffb):
    - (ffa) “owner” includes
      - (i) a part owner, joint owner, tenant in common or joint tenant of the whole or any part of and or a building,
      - (ii) 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 on a person having the care and control of the land or building,
      - (iii) a person who occupies shores, beaches or shoals, and
      - (iv) in absence of proof to the contrary, the person assessed for the property;
  - (v) add the following clause as the new clause (ffc) after clause (ffb) and immediately before:

(ffc) "Peace Officer" means a police officer, by-law enforcement officer or a special constable appointed pursuant to the *Police Act*, S.N.S. 2004, c.31;a and

- (vi) renumber clause (ffc) to clause (ffd).
3. amend clause (m) of section 6.1 by:
- (i) adding the words "or cause to be placed" after the word "place" and before the words "for municipal"; and
  - (ii) adding the words "or material banned from disposal by provincial regulations" after the word "waste" and before the period at the end of the clause.
4. adding the following sections after section 9.1 and immediately before the section 10 header, "COLLECTION TIMES AND FREQUENCIES":

9.2 Subject to section 10, owners shall maintain the area between the curb and their property line free from garbage, waste or debris whether or not it is placed in containers.

9.3 Where the owner fails to maintain the area between the curb and their property line as required by section 9.2 the Administrator or a peace officer may serve an Order to Remove Improperly Placed Solid Waste upon the owner by posting the Order in a conspicuous place upon the property.

9.4 If the solid waste is not removed from the area between the curb and their property line in accordance to this By-law and the 24 hour time period outlined in the Order to Remove Improperly Placed Solid Waste the Administrator or a peace officer, may remove such garbage, waste or debris and may recover the cost of such work from the owner.

5. amend section 12.1 by adding the words and comma "and a waste management plan," after the word and comma "laws," and before the word "promptly".
6. adding the following sections after section 12.1 and immediately before section 12.2:

12.1A On notice from the Municipality, the property owner or occupant of a premises that generates industrial, commercial, or institutional waste shall create and maintain a waste management plan which:

- (a) identifies the solid waste generated by the premises;
- (b) identifies the method of storage, recycling, and disposal of solid waste generated by the premises; and
- (c) includes a litter management section that complies with the *Solid Waste-Resource Management Regulations* and this By-law.

12.1B Subject to section 12.1A, the property owner or occupant of a premises that generates industrial, commercial, or institutional waste shall provide a copy of the waste management plan within two business days of receiving the notice from the Administrator.

7. amend section 12.4 by adding the word "labelled" after the word "provide" and before the words "common area".
8. adding the following section after section 12.5:

12.5 The occupant of an industrial, commercial or institutional premise that offers drive-thru service shall:

- (a) provide the quantity of containers required to dispose of any waste generated by the service; and
- (b) place the containers in such a manner that a person using the drive-thru lane can access them.

9. adding the following section header and sections after the newly added section 12.5 and immediately before section 13 header "COMMERCIAL CONTAINERS":

**12A.LITTER ABATEMENT**

12A.1 No person shall release or cause litter to be released into the environment unless

- (a) the litter is placed in a litter receptacle;
- (b) the litter is disposed of at a disposal site for municipal solid waste or an area designated by a municipality having jurisdiction for the disposal of litter; or
- (c) the litter is deposited in a location designated for that purpose by a municipality having jurisdiction during special clean-up days.

12A.2(1) No owner, operator or person in care, management or control of a commercial outlet, service outlet, plant, building, facility or thing shall permit the release of litter from the commercial outlet, service outlet, plant, building, facility or thing into the environment.

(2) A person described in subsection (1) shall clean up any litter discharged or released into the environment.

12A.3(1) No owner, operator, contractor or person in care, management or control of the construction, repair or demolition of a plant, building, facility, or thing shall permit the release of litter from the plant, building, facility, or thing into the environment.

(2) A person described in subsection (1) shall clean up any discharged litter released into the environment.

12A.4(1) An owner, operator, or person in care, management or control of a business or operation

- (a) where food or beverages are sold in cartons, containers, foils or papers and
- (b) where cartons, utensils, containers, foils or paper are discarded in the vicinity by the patrons of the business or operation,

shall provide receptacles for litter, organics and recyclable materials in appropriate and easily accessible locations, and shall service, maintain and empty the receptacles.

(2) An owner, operator, or person in care, management or control of a business or operation shall keep the property and all public or private lands, streets, lanes, passageways, beaches or docks within 15 m of any boundary of their property free of all litter unless the landowner or operator denies access to their lands for this purpose.

(3) A person described in subsections (1) and (2) shall ensure that the discarded materials are collected and disposed of as prescribed in these regulations.

12A.5 (1) A person who organizes or is responsible for a public or private event shall

(a) provide an adequate number of receptacles for litter, organics and recyclable materials in appropriate and easily accessible locations; and

(b) service, maintain and empty the receptacles as required.

(2) Every person who organizes or is responsible for a public or private event shall ensure that the property where the event takes place and all public or private lands, streets, lanes, passageways, beaches or docks within 15 m of the boundary of the property are free from all litter within 24 hours after the conclusion of the event, unless the land owner or operator denies access to their lands for this purpose.

10. amend section 13.1 by striking out the word “reasonably” after the words “container is” and before the word “screened” in subclause (iii) of clause (b).

11. adding the following section header and sections after section 15.2 and before the section 16 header “PROHIBITIONS”:

**15A. DISPOSAL AT A WASTE MANAGEMENT FACILITY**

15A.1 No person shall dispose of or cause the disposal of waste at a waste management facility except as provided for in this By-law.

15A.2. A person may dispose of waste at a waste management facility:

(a) during the hours the waste management facility is open; and

(b) if the waste management facility is designated to receive the category of waste being disposed of.

15A.3 Notwithstanding section 15A.2, no person shall dispose of waste or cause the disposal of waste at a waste management facility where the staff at the waste management facility refuse to accept waste.

12. adding the following section headers and sections after section 16.6 and immediately before section 17:

**16A. ILLEGALLY DUMPED MATERIAL**

16A.1 No person shall deposit or cause the deposit of illegally dumped material.

**16B. PERSON RESPONSIBLE FOR ILLEGALLY DUMPED MATERIALS**

16B.1 Where a person is identified to be the owner of any illegally dumped material, that person is presumed to have deposited the materials.

16B.2 On the request of a peace officer, a person presumed to have deposited illegally dumped material under s 16B.1 shall provide the peace officer with:

- (a) the name and address of the person who deposited the material,
- (b) the license plate of any vehicle used to deposit the material, or
- (c) any information that allows a peace officer to identify the person who deposited the material.

16B.3 A person who refuses, fails, neglects, or is unable to provide

- (a) the name and address of the person who deposited the material,
- (b) the license plate of any vehicle used to deposit the material, or
- (c) any information that allows a peace officer to identify the person who deposited the material

under section 16B.2 within 48 hours of the peace officer's request, shall be liable for the offence of the person who deposited the materials.

16B.4 A person who provides any of the information in section 16B.2 within 48 hours of the peace officer's request rebuts the presumption against them in section 16B.1.

16B.5 On the request of a peace officer, a person identified under section 16B.2 as having deposited illegally dumped material shall provide the peace officer with:

- (a) the name and address of the person who deposited the material,
- (b) the license plate of any vehicle used to deposit the material, or
- (c) any information that allows a peace officer to identify the person who deposited the material

16B.6 A person who refuses, fails, neglects, or is unable to provide

- (a) the name and address of the person who deposited the material,
- (b) the license plate of any vehicle used to deposit the material, or
- (c) any information that allows a peace officer to identify the person who deposited the material

under section 16B.5 within 48 hours of the peace officer's request, shall be liable for the offence of the person who deposited the materials.

16B.7 In any prosecution under this section, it is a defence if the owner of the illegally dumped materials can prove that the materials were taken or dumped without their knowledge or consent.

**16C. DUTY TO NAME PERSON IN CHARGE OF VEHICLE**

16C.1 When a motor vehicle

- (a) is operated in violation of this By-law, or

(b) is used to commit an offence under this By-law,

the registered owner of the vehicle on the request of a peace officer shall, within 48 hours of the request, supply the peace officer with the name and address of the person in charge of the vehicle at the time of such violation.

16C.2 A registered owner, who refuses, fails, neglects or is unable to supply the name and address of the person in charge of the vehicle within 48 hours after being so requested, shall be liable for the offence of the driver.

16C.3 In any prosecution under this section it shall be a defence if the registered owner or the person who had charge of the vehicle with the consent of the registered owner, as the case may be, can prove that the vehicle was being operated at the time of the violation without their knowledge or consent, either expressed or implied.

13. adding the following section header and sections after subclause 19.1(c)(iii) and before section 20 header "PENALTIES":

**19A. Cost of Work**

19A.1 If the Council, a committee, the Administrator or another employee of the HRM causes work to be done pursuant to this By-law the owner shall be fully responsible for the cost of the work, with interest at the rate determined by the Council, by policy, from the date of the completion of the work until the date of payment.

19A.2 In addition to any other remedies at law, if the Council, a committee, the Administrator or another employee of the HRM causes work to be done pursuant to this By-law, the cost of the work, with interest at the rate determined by the Council, by policy, from the date of the completion of the work until the date of payment, is a first lien on the principle use property upon which, or for the benefit of which, the work was done.

14. amend section 20.1 by:

- (i) striking out the word "Any" at the beginning of the first sentence and replacing it with the word "A";
- (ii) adding the following clauses after the words "person who" in the first sentence:
  - (a) violates a provision of this By-law or of an Order issued in accordance with this By-law;
  - (b) fails to do anything required by this By-law or an Order issued in accordance with this By-law;
  - (c) permits anything to be done in violation of this By-law or of an Order issued in accordance with this By-law; or
  - (d) obstructs or hinders any person in the performance of their duties under this By-law or under any Order issued in accordance with this By-law,is guilty of an offence.
- (iii) numbering the remainder of the section beginning with the words "violates any provision" as a new section 20.1A;

- (iv) adding the following words “Every person who” before the words “violates” at the beginning of the newly numbered section 20.1A;
  - (v) striking out the number “5” and replacing it with the number “10” after the dollar sign and before the comma in the newly numbered section 20.1A; and
  - (vi) numbering the final sentence starting with words “Each day” as section 20.1C.
15. adding the following new section after the newly numbered section 20.1A and immediately before the newly numbered section 20.1C:
- 20.1B Notwithstanding section 20.1A, every person who violates section 16A.1 is guilty of an offence and is liable on summary conviction to a penalty of not less than \$500.00 and not more than \$10,000.00 and in default of payment thereof to a term of imprisonment for not more than 60 days.
16. amending section 20.2 by adding the capital letter and words “A or 20.1B” immediately after the number 20.1 and before the comma and the words “,the Court”.

Done and passed by Council this      day of                      , 2021.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Municipal Clerk

I, Iain MacLean, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above-noted By-law was passed at a meeting of the Halifax Regional Council held on    , 2021.

\_\_\_\_\_  
Iain MacLean, Municipal Clerk