

A BY-LAW REGARDING THE COLLECTION AND DISPOSAL OF SOLID WASTE

Short Title

1. This By-Law shall be known, and may be cited as the ‘Solid Waste By-Law’

Interpretation

2. In this By-Law:

‘backyard composting’ means composting at a residential dwelling unit of organic solid waste comprised of yard waste and food scraps and spoiled or waste food or foodstuff excluding meat, fish, eggs or dairy products where:

- a) the waste is generated by the residents of the dwelling unit or neighbouring dwelling units or both;
- b) the annual production of compost on any property lot does not exceed 60 cubic metres;
- c) the composter or compost pile is not located within 10 metres of any window or door of a structure on an adjacent property.

‘compostables’ means:

- a) for persons serviced by the municipal collection of compostables or for persons who do not deposit or arrange for the deposit of their compostables at a municipal solid waste facility for compostables: food scraps and spoiled or waste food or foodstuff including vegetable peelings, meat, fish, eggs, bones, waste food products, soiled and wet paper and soiled paper products such as table napkins, paper towels, pizza boxes, leaves and grass clippings; and
- b) for persons not serviced by municipal collection of compostables and for persons who do not deposit or arrange for the deposit of their compostables at a municipal solid waste facility for compostables: food scraps and spoiled or waste food or foodstuff, excluding meat, fish, eggs or dairy products.

‘composting’ means the nuisance-free biological decomposition of organic materials, substances or objects under controlled circumstances to a condition sufficiently stable for nuisance-free and safe storage and use in land applications;

‘contaminated soil’ means soil which

- a) has been contaminated with and contains in excess of 2,000 parts per million of total petroleum hydrocarbons; or
- b) has been removed from a site because of actual or suspected contamination pursuant to a requirement or order of the Nova Scotia Department of Environment;

‘construction and demolition debris’ means materials which are normally used in the construction of buildings, structures, roadways, walls and other landscaping material and includes, but is not limited to, soil, asphalt, brick, mortar, drywall, plaster, cellulose, fiberglass fibers, gyproc, lumber, wood, asphalt shingles, and metals and such other materials as may be permitted from time to time by regulations of the Province of Nova Scotia for disposal at a disposal site for construction and demolition debris;

‘Council’ means the Council of the Municipality of the County of Antigonish;

‘curb’ means that portion of the street right-of-way of a public street between the traveled portion of the right-of-way and the property line which parallels the street center line;

‘general recyclable material’ or **‘general recyclables’** means redeemable beverage containers, steel, tin or aluminum food containers or cans, glass food containers, jars and bottles, low density polyethylene bags and packaging, high density bags, containers and packaging, polycoat containers for milk, milk products, soya milk, concentrates or other liquids or powders, or tetrapacks;

‘hazardous waste’ means waste that may be harmful to humans, animals, plant life or natural resources including, but not restricted to, industrial chemicals, toxic, flammable, corrosive, radioactive, reactive, pathological and PCB waste, oil, gasoline, paint solvent, wood preservatives, ink, battery acid, pesticides and insecticides;

‘hospital and pharmaceutical waste’ means waste generated at hospitals, clinics, pharmacies, veterinary clinics, dentist offices and includes used needles, drugs, dressings, excluding pathological waste;

‘Municipality’ means the Municipality of the County of Antigonish;

‘paper recyclable material’ or **‘paper recyclables’** means corrugated cardboard, newsprint, bond paper, glossy flyers and magazines, egg cartons, box board, or computer paper;

‘pathological waste’ means any part of the human body excepting hair, nail clippings and the like, any part of a dead animal infected with a communicable disease, and non-anatomical waste infected with a communicable disease;

‘person’ includes individuals, bodies corporate and all other types of organizations or entities.

‘reactive waste’ means a waste that reacts violently with water or is readily capable of detonation or explosive reaction including calcium carbide;

‘recyclable material’ or **‘recyclables’** means paper recyclable material or general recyclable material as defined in this By-Law;

‘redeemable beverage container’ means a container of less than 5 litres which contains or has contained a beverage and was sealed by the manufacturer after the beverage was placed in it, other than a container for milk, milk products, soya milk or concentrates;

‘residual waste’ means household waste other than:

- a) recyclable material;
- b) leaf and yard waste;
- c) compostables;
- d) material identified in this By-Law as material not to be placed for municipal collection or not to be deposited at a municipal solid waste management facility or material identified in this By-Law as to be placed for collection only upon special collection dates;

e) waste or solid waste which is not placed for collection in accordance with the requirements of this By-Law, including limitations on the size, weight, volume, packaging or bundling identified herein, but notwithstanding subparagraphs (a) and (c) hereof, residual waste may include compostables or recyclable materials to the extent separation of compostable and recyclable material was not reasonably possible for the waste generator because of the fusing or bonding together of materials in the state in which the waste generator received them or because of the reasonable cross-contamination of materials in the ordinary course of use by the waste generator if such contamination was unavoidable by the exercise of due diligence by the waste generator;

‘solid waste’ includes recyclables, compostables, residual waste, construction and demolition debris, leaf and yard waste, contaminated soil and any other waste or discarded tangible personal property;

‘septic waste’ means the liquid and solid material removed from septic tanks, sewage treatment plants, and manholes, cesspools, privies and portable toilets;

‘tonne’ means 1,000 kg.;

‘transfer station’ means a location where solid waste

- a) is deposited or held for trans-shipment on a temporary basis; or
- b) is transferred from one carrier or form of conveyance to another; before being forwarded to another transfer station or waste disposal facility.

‘yard waste’ or **‘leaf and yard waste’** means vegetative matter resulting from gardening, horticulture, landscaping or land-clearing operations, including materials such as tree and shrub trimmings, plant remains, grass clippings, leaves, trees and stumps, but excludes construction and demolition debris or contaminated organic matter.

PART I - Municipal Solid Waste Management Facilities

Acquisition of land

- 3. The Municipality may acquire land within the Municipality for the purposes of this by-law and may control the use of such land for the lawful disposal of solid waste.

Designated Facilities

- 4.(1) The following sites are designated as solid waste management facilities for all waste generated or having its origin in the Municipality:
 - a) For construction and demolition debris, contaminated soil, compostables, and recyclable materials: The Beech Hill Solid Waste Management Facility, and any transfer station authorized to receive such waste;
 - b) For residual waste: The transfer station situate at the Beech Hill Waste Management Facility, and any other transfer station authorized to receive such waste, provided that where the facility used by the Municipality for the deposit of residual waste is unavailable, the Beech Hill site may be used for that purpose if authorized by the Department of the Environment.

- (2) Municipality may designate certain sites as transfer stations at which solid waste may be deposited on a temporary basis before being transported to a designated facility, and only such designated stations are authorized to receive solid waste.
- (3) Construction and demolition debris may, with the written authorization of Council, be stored at a place that is approved by the Minister of the Environment, or such other authority whose approval is required, and
 - a) that material consists primarily of wood and is used as feed stock for a recycling process located at the site where it is stored;
 - b) that process recycles the wood into a different product; and
 - c) it is not stored on a permanent basis, and is not sold, traded or subject to further transfer or use other than as feed stock;and any material that is not used in the said undertaking shall be delivered to the facility designed for construction and demolition debris pursuant to this section.
- (4) Notwithstanding subsection 7(3), construction and demolition debris generated outside the Municipality may be used, stored and deposited pursuant to subsection (3).
- (5) Where a site authorized under subsection (3) is operated in contravention of that provision, Council may withdraw that authorization.
- (6) Subsections (3) to (5) hereof shall cease to have effect, one year from the date upon which they are published and come into force under the *Municipal Government Act*, unless re-enacted prior to that date.

Export of Solid Waste

5. No person shall deposit solid waste generated or originating in the Municipality at any place other than a designated site or authorized transfer station, and no solid waste, with the exception of recyclables, may be removed from the Municipality except in accordance with this by-law.

Deposit of Solid Waste

6.(1) Except for the placement of solid waste for collection in accordance with this By-Law, no person shall deposit solid waste, or cause or permit solid waste to be deposited at any place in the Municipality other than at a municipal solid waste management facility designated for the applicable type of solid waste or at a site approved for the purpose by the Province of Nova Scotia, provided however, that:

- (a) backyard composting carried out in such manner as not to constitute a nuisance is permissible;
- (b) subject to statutes, regulations or laws of the Province of Nova Scotia or Canada to the contrary, the unconcentrated disposal of waste trees, brush or portions thereof or other organic farm or forestry waste by decay on forest or farm land is permitted; and
- (c) subject to statutes, regulations or laws of the Province of Nova Scotia or Canada or other by-laws of the Municipality to the contrary, the nuisance-free disposal of aggregate, soil, bricks, mortar, concrete, asphalt pavement, porcelain or ceramic materials as fill is permitted.

Prohibited deposit

7.(1) No person shall place, cause to be placed or permit to be placed in a municipal solid waste management facility any material or quantity of material in contravention of:

- (a) any federal or provincial statute or regulation, including any regulation requiring the diversion of particular types or quantities of waste or waste products from particular types of solid waste management facilities;
- (b) this By-Law or any resolution of Council concerning the use of a municipal solid waste management facility, including but not restricted to any resolution requiring the diversion of particular types or quantities of waste or waste products from a municipal solid waste management facility or a particular type of municipal solid waste management facility;
- (c) the directions of the operator or staff of a municipal solid waste management facility with respect to the weighing, measuring, time, volume, method, location or other conditions of placement of solid waste, or particular types, loads or items of solid waste.

(2) No person shall place, cause to be placed or permit to be placed in a municipal solid waste management facility any solid waste that is not separated as required by clause 13 of this By-Law or which is falsely or misleadingly presented or packaged as solid waste of a particular kind, type, stream or place of origin or which is concealed within or inter-mingled with solid waste of another kind, type, stream or place of origin.

(3) Except by contract with the Municipality or with the express approval in advance of the operator of the municipal solid waste management facility, given after the operator is fully informed as to the nature and origin of the solid waste, no person shall place, cause to be placed or permit to be placed in a municipal solid waste management facility

- (a) any solid waste which is not permitted to be placed for municipal collection; or
- (b) any solid waste generated outside the Municipality.

Burning of Waste

8. No person shall burn waste in a barrel, stove or other device as a method of disposal, except for brush, tree limbs and milled wood that is free from adhesives, coatings and preservatives, but only where such burning is otherwise permitted by law.

Prohibited Facilities

9.(1) No person shall operate a solid waste disposal facility or transfer station unless authorized, in writing, by the Municipality.

(2) Except as permitted by law or with the authorization of Council, no person shall engage in the processing of solid waste.

Refusal of Waste

10. The operator or staff at a municipal solid waste management facility may refuse solid waste:

- a) which contains waste for which that facility is not a designated site;

- b) for which a tipping fee has not been set or negotiated with the generator or collector or for which a tipping fee has not been paid or for which tipping fee payment arrangements satisfactory to the Municipality have not been made;
- c) which is being delivered by an unlicensed collector; or
- d) which the facility is unable to weigh, measure or process for any reason, including, but not restricted to, excessive inventory of solid waste or shortage of space, mechanical or electrical break down or labour dispute.
- e) which would be deposited or placed in contravention of this By-Law.

- (2) The attendant may refuse to accept for deposit at the landfill site any materials that are mixed contrary to clause 13.

Use of Designated Facilities

- 11.(1) Solid waste shall be deposited at designated facilities or transfer stations according to the direction of the attendant and in accordance with this by-law, during such hours as are determined by Council.
- (2) Every person who attends a solid waste facility to deposit material shall, when requested by the attendant, report the place where the material was collected.
- (3) Where the weigh scales at a solid waste facility are in operation, every person who attends there to deposit material shall, when directed by the attendant, allow his vehicle or conveyance to be weighed, both on entry to and on exit from the site, and shall comply with every direction of the attendant issued to effect such weighing.
- (4) All material to be deposited at a designated facility or transfer station shall be transported in such a manner that it will not spill or scatter, and every vehicle or other conveyance used for the collection and transport of material which does not have a closed box in which to transport that material shall be equipped with a suitable tarpaulin, and such tarpaulin shall be used to completely cover said material while it is being transported to the site.
- (5) Every person who makes a false or misleading report under this by-law, or who fails to comply with the directions given by the attendant commits an offence.
- (6) No person shall place, cause to be placed or permit to be placed at, in or adjacent to a municipal solid waste management facility any solid waste when the facility is not open or when the operator or municipal staff of the municipal solid waste management facility refuses to accept a load or loads or item or items of solid waste.
- (7) No person shall remove solid waste from a municipal solid waste management facility except as authorized by the Municipality.

Part II - Removal, Separation and Storage of Solid Waste

Removal of Solid Waste

- 12.(1) No occupant or owner of property in the Municipality shall permit the accumulation of solid waste in or around the property to the extent that it is or is likely to become a nuisance or hazard to the public health.
- (2) Storage of food scraps and spoiled or waste food or foodstuff, except as disposed of by backyard composting, shall be removed from every property by the occupant no less than once every two weeks and disposed of according to law.
- (3) Owners and occupants are responsible for providing for the lawful collection and disposal of all solid waste that is not subject to municipal collection and for paying any associated collection, disposal or tipping fees.

Separation of Solid Waste

13.(1) Owners and occupants of property in the Municipality, including all industrial commercial and institutional establishments, shall separate solid waste at the time of generation, storage, placement for collection and disposal into uncontaminated separate solid waste streams as follows:

- a) compostables;
- b) general recyclables;
- c) paper recyclables;
- d) residual waste;
- e) construction and demolition debris;
- f) contaminated soil;
- g) solid waste of any type which is not accepted at a municipal solid waste management facility, each such type in its own stream; and
- h) solid waste of any type which is only accepted on the occasion of special collections, or by contract or by express approval in advance of the operator of a municipal solid waste management facility, each such type in its own stream.

- (2) Those responsible for publicly accessible waste resource receptacles in stores, parks, campgrounds and on public streets or other areas, shall ensure that waste deposited therein is separated in accordance with this by-law.

Receptacles or Containers

14.(1) The owner and occupant of every property in the Municipality shall provide sufficient and adequate receptacles or containers for solid waste which may accumulate from time to time on the property, and, without limiting the generality of the foregoing:

- a) food scraps and spoiled or waste food shall be stored in receptacles or containers that are water-proof, impervious to domestic and wild animals and rodents and which are designed to avoid the entrapment of children;
- b) receptacles or containers used for storage of food scraps and spoiled or waste food shall not be placed or kept within 2 meters of a window or door situated on an abutting or adjacent property;

- c) recyclables and residual garbage shall be stored inside buildings or in receptacles or containers that are water-proof, impervious to domestic and wild animals and rodents, and which are designed to avoid the entrapment of children.
- d) bulk commercial containers used for the storage or collection of solid waste:
 - (i) shall be sturdily constructed, water-proof and impervious to domestic and wild animals and rodents;
 - (ii) shall be equipped with a tight-fitting lid with a positive closing device which shall be kept closed except when the container is being loaded or unloaded;
 - (iii) shall be designed to avoid the entrapment of children;
 - (iv) shall be kept clean and in a good state of repair;
 - (v) shall be kept behind or beside the building which they service so as to reduce visibility from the street;
 - (vi) shall be kept not less than 1.5 meters from the building which they service and not less than 1.5 meters from any property line of an abutting or adjacent property containing a residential dwelling unit;
 - (vii) shall be placed only on surfaces which are hard, level and weather resistant; and
 - (viii) shall not be loaded in a manner which permits waste to extend beyond the internal volume of the container when the lid is closed.

- (2) Bulk commercial containers used during construction or repair work need not comply with paragraphs (v) to (vi) of subsection (d) of this clause for temporary periods of not more than 6 months or until the completion of the construction or repair work, whichever is sooner.
- (3) Owners or occupants of premises serviced by a bulk commercial container:
 - a) shall keep the area surrounding the container free from litter and waste; and
 - b) shall cause the container to be emptied at least once every 7 days.
- (4) Waste refrigerators and freezers shall either be stored inside an enclosed, locked or child-proof building or shall have their doors removed from the appliance.

Part III - Collection of Solid Waste

Municipal Collection

15.(1) Council may by resolution provide for general municipal collection of solid waste by its own employees or by a contractor in some or all areas of the Municipality and, for greater certainty and without limiting Council's discretion to use different collection classifications, Council may limit collection to particular types of solid waste, to properties containing not more than a specified number of residential households, to properties which are not seasonal, or to commercial solid waste generators of a particular type or size or generating not more than a specified volume of solid waste, and may provide different collection services for any different class of waste generator.

- (2) Council may:
 - a) divide the Municipality into routes;
 - b) designate a particular day of the week for collection of solid waste on each route;
 - c) decide when collection cannot be carried out due to weather conditions.

- (3) Owners and occupants of property shall ensure that all waste placed for collection shall be in a location that is accessible and shall be responsible for the removal or snow or other material that may impede access.
- (4) Council may, from time to time, alter the routes as set out for collection and shall notify the public of any change in routes in such manner as it deems necessary.
- (5) The Municipality, by contract with solid waste generators ineligible for municipal collection of solid waste pursuant to the immediately preceding section of this By-Law, may provide collection of their solid waste and may, in such contract, vary any of the limitations or restrictions applicable to general municipal collection as set out herein, but except to the extent of express variation by contract, such limitations or restrictions shall apply to waste generators whose solid waste is collected pursuant to this section.

Special or Occasional Collection

16. Council may by resolution provide for special municipal solid waste collections on an occasional basis or may provide for municipal collection from a drop-off site, of particular types of solid waste, such as discarded Christmas trees, bulky items not eligible for regular municipal collection, leaf and yard waste, household hazardous waste or other specified solid waste and may limit such special collection to particular areas of the Municipality, to properties containing not more than a specified number of residential households or to commercial solid waste generators of a particular type or size or generating not more than a specified volume of solid waste.

Preparation of Solid Waste for Collection

17.(1) Except to the extent authorized by contract with the Municipality, or pursuant to this by-law or to stipulations set out in a policy, persons placing solid waste for collection shall comply with the following:

- a) all solid waste shall be placed for collection within three metres of the curb, placed in such a manner as to interfere as little as possible with pedestrian traffic and snow removal;
- b) solid waste shall not be placed for collection before 6:00 a.m. on the day fixed for collection;
- c) uncollected solid waste and any waste scattered by animals, pest or weather shall be removed by the solid waste generator, owner or occupant from the place where such solid waste was placed for collection not later than midnight on the day of collection;
- d) all solid waste other than compostables, separated as required by this by-law, shall be placed for collection in securely tied plastic water proof bags as specified in this sub-clause;
- e) recyclables shall be placed in blue tinted transparent bags of a dimension no smaller than 30cm x 45 cm and not greater than 75 cm x 120 cm, and shall not exceed a weight of 25 kg per bag, provided that corrugated cardboard may be flattened and securely tied with twine or rope in convenient bundles that shall not exceed a weight of 25 kg. per bundle;

- f) all other solid waste other than compostables shall be placed in transparent bags of a dimension no smaller than 66 cm x 91 cm and not greater than 75 cm x 120 cm and shall not exceed a weight of 25 kg per bag.
- g) compostables shall be placed in a wheeled cart designed to be emptied by hydraulic lifting, that has a secure, water and animal proof lid, with a capacity of no more than 25 kg;
- h) subject to maintaining uncontaminated separate solid waste streams, solid waste other than compostables may be placed for collection in waste collection boxes located within 3 metres of the curb of the public road or street provided that:
 - (i) the box has a securely hinged lid or lids;
 - (ii) the box has a support to hold the lid open when the contents are being emptied;
 - (iii) the box is designed to avoid the entrapment of children; and
 - (iv) the solid waste is placed within the box in accordance with all other requirements of this clause, including placement in specified bags;

(2) No person shall place solid waste for collection on a property, or in that near the curb adjacent to such property, unless that person is the owner or occupant of that property, or unless that person has the consent of the owner or occupant.

(3) No person shall use a discarded refrigerator or freezer as a waste collection box or waste storage enclosure under this clause.

(4) Bathroom waste and health-related items that residents do not wish to be visible may be deposited in one solid colour bag no larger than 52 cm x 57 cm, that may be placed in each transparent bag used for the disposal of residual waste, and such solid colour bags shall only be opened if there are grounds to believe that they contain banned material.

Prohibitions

18.(1) Except to the extent authorized by contract with the Municipality, no person shall place for collection:

- a) hazardous waste;
- b) hospital and pharmaceutical waste;
- c) asbestos;
- d) septic waste;
- e) hot ashes;
- f) dead animals;
- g) industrial waste, including non-residential farm, forestry or fishing waste;
- h) tires;
- i) waste generated outside the Municipality; or
- j) other materials or solid waste as may be identified as unacceptable for collection as the Municipality may determine by policy from time to time.

(2) No person shall place solid waste for collection on a property other than a property owned or occupied by such person or in respect of which the person has obtained the consent of the owner or occupier for that purpose

(3) Except as authorized by the Municipality, no person shall remove recyclables or other

solid waste placed or apparently placed for municipal collection by waste generators, owners or occupants and all recyclables are the property of the Municipality from the moment of placement for municipal collection. Nothing in this section relieves an owner or occupant from the duties set out in clause 14.

Part IV - Solid Waste Collectors

19.(1) A person who engages in the business of collecting or transporting solid waste in the Municipality shall register with the Municipality, providing to the Clerk, in writing:

- i) the name, address and telephone number of the applicant;
- ii) the provincial motor vehicle registration number and description by make, model and year of any vehicles to be used in connection with the collection and deposit of solid waste;
- iii) a description of the types of solid waste which is to be collected and deposited;
- iv) an annual registration fee of \$25.00;

(2) A registrant shall provide the Clerk with written confirmation of any changes to the particulars in sub-clause (1).

(3) No person shall engage in the business of collecting or transporting solid waste in the Municipality unless they are registered pursuant to this clause, provided that this clause shall not apply to waste collection by the Municipality or its agents.

20.(1) All persons who engage in the business of collecting or transporting solid waste in the Municipality shall deposit all such waste at the solid waste management facility or transfer station designated in this by-law, and in accordance with all relevant requirements of this by-law.

(2) Any person who deposits solid waste in contravention of sub-clause (1) shall be liable to pay the tipping fee for all such waste, and their registration may be revoked.

21. The Municipality may enter into an agreement with any other municipal unit or other person or entity that operates a waste management facility at which a registrant deposits solid waste in respect of the recovery of tipping fees for the deposit of such waste.

Part V - Finance

Tipping Fee

22.(1) A tipping fee shall be payable for the deposit of uncontaminated, separated solid waste generated within the Municipality at municipal solid waste management facilities.

(2) The said tipping fee shall be fixed by policy, and such policy may provide for different fees for different types of solid waste.

(3) A copy of the policy and of any amended or substituted policy shall be affixed to this by-law, clearly indicating the date on which it comes into effect.

- (4) Council shall cause every change in a tipping fee to be advertised in a newspaper circulating in the Municipality.
- (5) In regard to solid waste generated outside the Municipality, Council may negotiate a tipping fee by contract with particular solid waste generators, Licensed Collectors, other municipalities or persons or may by resolution set a tipping fee of general application, subject to variation by contract.

Municipal collection charges

23. A tipping fee for solid waste which is subject to general municipal collection, shall not be levied or collected from the solid waste generator or the solid waste collector at the time of collection or deposit at the municipal solid waste management facility but shall be estimated during the annual budget process of the Municipality and apportioned equitably by Council amongst owners or occupants of property to whom the service is available according to ascertainable criteria based on flat rates per user or average costs for particular user classifications, or some combination thereof, and shall be charged and collected:

- a) in the case of properties subject to municipal residential or commercial property tax or business occupancy tax, as a separate user charge for waste collection and disposal on the municipal tax bill issued to the owner;
- b) in the case of others, by separate invoice for waste collection and disposal; and
- c) in the event of non-payment by the due date, such waste collection and disposal charge shall bear interest equivalent to the interest rate levied against outstanding property taxes and may be collected as an ordinary debt and, in the case of charges invoiced pursuant to subsection (1) of this section, shall constitute a first lien on real property and may be collected, together with pre-judgment interest from the date due, in the same manner as a tax.

Special Charges

24. The Municipality may, by contract, agree to accept limited quantities or proportions of improperly separated or cross-contaminated waste, subject to the imposition of contract penalties for exceeding such levels.

Part VI - Enforcement and Penalties

Entry

25. For the purpose of determining whether this by-law is being complied with, a person with written authority from the Municipality may enter private property believed to be used in contravention of this by-law, if that person is a peace officer, or is accompanied by a peace officer.

Presumption

26. Proof that solid waste that was deposited or placed somewhere in contravention of this By-Law originated from a particular person shall be evidence that the person so deposited or placed it, or caused or permitted it to be so deposited or placed, in the absence of evidence to the contrary.

Corporations

27. Where a corporation commits an offence under this by-law, any officer or director of the corporation who directed, authorized, assented to, acquiesced in or participated in the offence is guilty of that offence and liable to the prescribed penalty, whether or not the corporation has been prosecuted.

Lien

28. Any vehicles, improvements or other things used in contravention of this by-law may be apprehended, removed, impounded and disposed of and the costs thereof may be charged and collected as a first lien on the affected property.

Injunction

29. Where land is being used in contravention of this by-law, or where there is an anticipated or continuing breach of this by-law, the Municipality may apply to the Supreme Court for an injunction or other order.

Separate Offences

30. Where an offence under this by-law is committed or continued on more than one day, the person who committed the offence is liable to be convicted for a separate offence for each day on which the offence is committed.

Punishment

31.(1) Any person who contravenes any of the following provisions of this by-law:

- Clause 5 (Unlawful export of solid waste)
- Clause 6 (Unlawful deposit of solid waste)
- Clause 7 (Prohibited deposit of solid waste)
- Clause 18 (Prohibited placement for collection)
- Clause 19 (Unlawful collection)

is guilty of an offence punishable on summary conviction and is liable by a fine of not less than \$1,000 and nor more than \$10,000 and, in default of payment, to imprisonment for a period of not more than 60 days.

(2) Any person who contravenes any other provision of this by-Law is guilty of an offence punishable on summary conviction by a fine:

- a) for a first offence, of not less than \$500 and not more than \$5,000 and , in default of payment to imprisonment for a period of not more than 30 days;
- b) for a second or subsequent offence, of not less than \$1,000 and not more than \$10,000 and, in default of payment to imprisonment for a period of not more than 60 days;

Restitution

32. Where a person is convicted of an offence under this by-law and the Court is satisfied that, as a result of the commission of the offence, monetary benefits accrued to that person or to some other person at the direction of the offender, the Court may order the offender to pay, in addition to any fine prescribed for that offence, a fine in an amount equal to that amount determined by the Court to be the amount of that monetary benefit.

Remediation Costs

33. Where a person is convicted of an offence under this by-law and clean up or remediation costs were incurred by the Municipality or some other person as a result of the offence, the Court may order the offender to pay, in addition to all other fines and penalties, restitution in an amount equal to those clean or remediation costs.

Payment in Lieu of Prosecution

34.(1) Any person who contravenes this by-law and receives notice of that contravention may avoid prosecution by paying to the Municipality, within 14 days of the date of the notice, the sum of

- (a) \$250 in respect of offences punishable under clause 31(2)(a); or
- (b) \$500 in respect of all other offences.

(2) For purposes of clause 31(2), a person who has made a payment under this clause, shall be deemed to have committed an offence.

35. The Landfill By-Law, the Garbage and Refuse By-Law, and the Construction and Demolition Debris By-Law are hereby repealed.

POLICY

Tipping Fees - Solid Waste By-Law

The tipping fee pursuant to section 22 of the *Solid Waste By-Law* is as follows:

Amended

Asbestos	\$100.00 per tonne	Oct 18, 2007
Cardboard	\$100.00 per tonne	July 30, 2009
Clean C&D	\$50.00 per tonne	
Clean Concrete	\$45.00 per tonne	
Compostable Organic Material	\$55.00 per tonne	
Construction & Demolition (C&D) Debris	\$75.00 per tonne	
Contaminated Soil	\$45.00 per tonne	
Leaf & Yard Waste	\$55.00 per tonne	
Mixed Loads	\$110.00 per tonne	Oct 18, 2007
Refuse/Garbage	\$100.00 per tonne	May 20, 2008
Recyclables	\$45.00 per tonne	
Scrap Metal & White Goods	\$45.00 per tonne	