



TOWN OF WINDSOR BYLAW # 16 SOLID WASTE BYLAW

Pursuant to the provisions of the Municipal Government Act;

BE IT HEREBY RESOLVED THAT Bylaw Number 16 of the Bylaws of the Town of Windsor, “the Garbage Collection and Disposal Bylaw” as passed by the Town Council on May 13, 1993 and Approved by the Minister of Municipal Affairs on June 28, 1993 and all amendments thereto be repealed effective 11:59 p.m., March 31, 2003 and the following substituted therefore:

16.01 This Bylaw is entitled the “Solid Waste Bylaw” and hereby repeals Section 16.01 – 16.14 of the Town of Windsor Consolidated Bylaws.

Definitions

16.01 In this Bylaw:

- (1) “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.
- (2) “branches and limbs” includes all branches, limbs and brush less than 900 mm in length, with individual pieces having a diameter of not more than 50 mm.
- (3) “bulk commercial containers” means those containers designed for the collection of solid waste in excess of the maximum size restrictions contained in Part 22, Section 4 of this Bylaw and/or are collected through private collections.
- (4) “collection” means the action by the Town or its contractor of picking up solid waste, loading it into trucks, and hauling it to the disposal site.

- (5) “contractor” means the company or individual collecting solid waste within the Town by agreement with the Town.
- (6) “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 solid waste facility for compostables: food scraps and spoiled or waste food or foodstuff including vegetable peelings, meat, fish, shellfish, poultry, rice and pasta, grease and fat, coffee grounds, tea leaves and bags, eggs, bones, waste food products, soiled corrugated cardboard, soiled and wet paper and soiled paper products such as table napkins, paper towels, pizza boxes, together with such other organic materials as may, from time to time, be identified in public education documents distributed by the Town of Windsor as suitable for municipal collection in compostainers.
- (7) “compostainer” means a wheeled, 240 litre capacity aerated cart designed to be emptied by hydraulic lifting devices and approved by the Town of Windsor for the storage and municipal collection of compostables. Manufactured by Rehrig Pacific and distributed, sold or otherwise made available by or through the Town of Windsor for that purpose and their replacements or successors from time to time, or other containers approved by the Town of Windsor’s Director of Public Works;
- (8) “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;
- (9) “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;
- (10) “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, fibreglass fibres, 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;
- (11) “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;
- (12) “general recyclable materials” 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 # 4, containers and packaging #2, #4, #5, and polycoat containers for milk, milk products, soya milk, tetrapacks and any such other items as may, from time to time, be identified in public education documents distributed by the Town of Windsor as suitable for municipal general recyclables collection;

- (13) “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;
- (14) “householder” means the owner, occupant, lessee, tenant or the person in charge of a dwelling, mobile home, hotel, restaurant, apartment block, office building, business establishment, public institution or other building and includes the person assessed for the building pursuant to the Assessment Act.
- (15) “hospital and pharmaceutical waste” means waste generated at hospitals, clinics, pharmacies, veterinary clinics, dentist offices and includes used needles, drugs, dressings, excluding pathological waste;
- (16) “paper recyclable material” or “paper recyclables” means corrugated cardboard, newsprint, bond paper, glossy flyers and magazines, egg cartons and such other items as may, from time to time, be identified in public education documents distributed by the Town of Windsor as suitable for municipal paper recyclables collection;
- (17) “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;
- (18) “public education documents” includes newsletters, pamphlets, flyers or other material circulated by mail or delivery by or for the Town of Windsor, and newspaper or radio advertisements by or for the Town of Windsor;
- (19) “reactive waste” means a waste that reacts violently with water or is readily capable of detonation or explosive reaction including calcium carbide;
- (20) “recyclable material” or “recyclables” means paper recyclable material or general recyclable material as defined in this Bylaw;
- (21) “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, or soya milk;
- (22) “residual garbage” means household waste other than:
 - (a) recyclable material;
 - (b) leaf and yard waste;

- (c) compostables;
 - (d) material identified in this Bylaw 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 Bylaw 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 Bylaw, including limitations on the size, weight, volume, packaging or bundling identified herein or which is placed for collection contrary to limitations or specifications on garbage collection identified from time to time in public education documents distributed by the Town of Windsor; but not withstanding subparagraphs (a) and (c) hereof, residual garbage 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;
- (23) “solid waste” includes recyclables, compostables, residual garbage, construction and demolition debris, leaf and yard waste, contaminated soil and any other waste or discarded tangible personal property;
 - (24) “septic waste” means the liquid and solid material removed from septic tanks, sewage treatment plants, and manholes, cesspools, privies and portable toilets;
 - (25) “tonne” means 1,000 kg.;
 - (26) “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.

Municipal Solid Waste Management Facilities.

16.02 The following sites are designated as municipal solid waste management facilities:

- (1) for construction and demolition debris:
Municipality of the District of West Hants, Cogmagun Landfill Site or appropriate site designated by the Town of Windsor.
- (2) for compostables:
Appropriate composting facility under contract with the Town of Windsor;
- (3) for recyclable materials:
Facility under contract with the Town of Windsor;

- (4) for residual garbage:
Municipality of the District of West Hants, Cogmagun Landfill Site or appropriate facility under contract with the Town of Windsor;
- (5) for contaminated soil:
Approved reclamation site.

16.03 No person shall remove solid waste from a municipal solid waste management facility except as authorized by the facility owner.

16.04 Except for the placement of solid waste for collection in accordance with this Bylaw, no person shall deposit, cause to be deposited or permit to be deposited solid waste at any place in the Town of Windsor 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:

- (1) backyard composting carried out in such manner as not to constitute a nuisance is permissible;
- (2) 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
- (3) subject to statutes, regulations or laws of the Province of Nova Scotia or Canada or other Bylaws of the Town of Windsor to the contrary, the nuisance-free disposal of aggregate, soil, bricks, mortar, concrete, asphalt pavement, porcelain or ceramic materials as fill is permitted.

16.05 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:

- (1) 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;
- (2) this Bylaw 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;
- (3) 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.

16.06 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.

- 16.07** Except by contract with the Town of Windsor 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
- (1) any solid waste which is not permitted to be placed for municipal collection; or
 - (2) any solid waste generated outside the Town of Windsor.
- 16.08** 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 section [14] of this Bylaw 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.
- 16.09** The operator or staff at a municipal solid waste management facility may refuse solid waste:
- (1) which contains waste for which that facility is not a designated site;
 - (2) 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 solid waste management facility have not been made;
 - (3) which is being delivered by an unlicensed collector;
 - (4) 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; or
 - (5) which would be deposited or placed in contravention of this Bylaw.

Removal, Separation and Storage of Solid Waste

- 16.10** No occupant or owner of property in the Town of Windsor 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.
- 16.11** 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.
- 16.12** 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.
- 16.13** Owners and occupants of property in the Town of Windsor shall separate solid waste at the time of generation, storage, placement for collection and disposal into uncontaminated separate solid waste streams as follows:

- (1) compostables;
- (2) general recyclables;
- (3) paper recyclables;
- (4) residual garbage;
- (5) 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.

16.14

The owner and occupant of every property in the Town of Windsor 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:

- (1) food scraps and spoiled or waste food shall be stored in compostainers or in other receptacles or containers that are waterproof, impervious to domestic and wild animals and rodents and which are designed to avoid the entrapment of children;
- (2) compostainers or other 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;
- (3) recyclables and residual garbage shall be stored inside buildings or in receptacles or containers that are waterproof, impervious to domestic and wild animals and rodents, and which are designed to avoid the entrapment of children;
- (4) bulk commercial containers used for the storage or collection of solid waste:
 - (a) shall be sturdily constructed, waterproof and impervious to domestic and wild animals and rodents;
 - (b) 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;
 - (c) shall be designed to avoid the entrapment of children;
 - (d) shall be kept clean and in a good state of repair;
 - (e) shall be kept behind or beside the building which they service so as to reduce visibility from the street;
 - (f) 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;
 - (g) shall be placed only on surfaces which are hard, level and weather resistant; and
 - (h) shall not be loaded in a manner which permits waste to extend beyond the internal volume of the container when the lid is closed.

16.15 Bulk commercial containers used during construction or repair work need not comply with paragraphs (e) to (g) of subsection 14 (4) of this Bylaw for temporary periods of not more than 6 months or until the completion of the construction or repair work, whichever is sooner.

16.16 Owners or occupants of premises serviced by a bulk commercial container:

- (1) shall keep the area surrounding the container free from litter and waste; and
- (2) shall cause the container to be emptied at least once every 14 days;
- (3) shall utilize regulation containers for the storing and collection of refuse, recyclable materials and organic materials;
- (4) shall where reasonably possible, ensure that collectable waste remains behind or beside the main building on the eligible premises.

16.17 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.

16.18 The owner and occupant of every property in the Town of Windsor, which is eligible for municipal collection of compostables, is responsible for the care and cleaning of each compostainer and kitchen mini assigned to their eligible premises.

The repair of damaged or replacement of compostainers assigned to eligible properties due to misuse, alterations or abuse involving the owner or occupant of the property shall be responsibility of the owner or the occupant to repair or replace damaged compostainers. Otherwise, the Town of Windsor will replace damaged compostainers.

Compostainers shall be provided by the owner as follows except as otherwise authorized by the Solid Waste Manager:

- (1) Residential properties:
 - (a) single unit buildings 1 compostainer
 - (b) two dwelling unit buildings 1 compostainer
 - (c) buildings with three to five dwelling units 2 compostainers
 - (d) buildings with six to ten dwelling units 3 compostainers
 - (e) buildings with more than ten dwelling units 4 compostainers
 - (f) mobile homes, for each unit 1 compostainer
- (2) Commercial, institutional or industrial properties:
per tenant or occupant 1 compostainer

And one additional compostainer if approved for generators of larger amounts of organic material.

Municipal Collection

- 16.19** (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 Town of Windsor 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, and/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) Collection of Solid Waste shall be as follows:
- (a) Collection of blue bag recyclables and paper waste shall be at least once every fourteen days to a schedule specified by the Town Engineer, and shall include all residential properties in the Town;
 - (b) Collection of household waste and compostable materials shall be at least once every fourteen days to a schedule specified by the Town Engineer, and shall include all residential, commercial and industrial properties in the Town pursuant to the Assessment Act;
 - (c) Collection of special waste shall be at least once in the spring and once in the fall of each year, the exact date of which shall be specified by the Town Engineer, and shall include all residential properties;
 - (d) Collection of leaf and yard waste shall be at least once each year in the month of November, on a date to be specified by the Town Engineer and shall include all residential properties;
 - (e) Collection of Christmas Tree waste shall be at least once each year in the month of January, on a date to be specified by the Town Engineer, and shall include all residential properties.
- 16.20** The Town of Windsor, by contract with solid waste generators ineligible for municipal collection of solid waste pursuant to the immediately preceding section of this Bylaw, 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. The current level of service outlined in this Bylaw is available to all residential, commercial, and industrial establishments pursuant to the Assessment Act and within the Town of Windsor.
- 16.21** 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 properties containing not more than a specified number of

residential households and/or to commercial solid waste generators of a particular type or size or generating not more than a specified volume of solid waste.

16.22

Except to the extent authorized by contract with the Town of Windsor or by public education documents distributed by the Town of Windsor from time to time, including, but not restricted to, public education documents or notices published in connection with special collection days, persons placing solid waste for collection shall comply with the following:

- (1) 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;
- (2) solid waste shall not be placed for collection before 9:00 p.m. on the day before OR no later than 7:30 a.m. on the collection date for that property for the appropriate type or stream of solid waste as advertised in public education documents distributed by the Town of Windsor from time to time;
- (3) 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;
- (4) residual garbage shall be placed for collection in
 - (a) securely tied, black or green plastic disposable waterproof bags of a dimension not smaller than 66 cm. x 91 cm., nor greater than 75 cm. x 120 cm., and shall not exceed a weight of 25 kg. per bag and not more than 5 such bags for each dwelling unit (in the case of a building with multiple dwelling units the total volume of waste shall not exceed 2 cubic meters) shall be placed for collection on any one collection day or:
 - (b) water tight metal or plastic cans:
 - (i) equipped with a tight fitting cover of metal, plastic or other impermeable material and;
 - (ii) equipped with handles; and
 - (iii) filled to a height not exceeding 5 centimetres below the top of the container; and
 - (iv) shall not exceed a weight of 25 kilograms including contents and be limited to 5 such containers on any one collection day; and
 - (v) shall be 380 mm to 350 mm in diameter and 460 mm to 800 mm in height to a maximum volume of 100 litres, but does not include cardboard drums, oil drums, paint containers or lard containers.
- (5) general recyclables shall be placed for collection in securely tied, blue-tinted or transparent plastic disposable waterproof bags of a dimension no

smaller than 66 cm. x 91 cm., nor greater than 75 cm. x 120 cm., and shall not exceed a weight of 25 kg. per bag;

- (6) paper recyclables shall be placed for collection in securely tied, blue or clear plastic disposable waterproof bags of a dimension no smaller than 30 cm. x 45 cm. and not greater than 75 cm. x 120 cm. and shall not exceed a weight of 25 kg. per bag, except that corrugated cardboard may be flattened out and securely tied with twine or rope in convenient bundles which shall not exceed a weight of 25 kg. per bundle;
- (7) compostables shall be placed for collection in compostainers;
- (8) bulky items placed for special collection shall not exceed 50 kg. in weight for any one item or 150 kg. for all items for any one dwelling unit on any one special collection date and no individual item shall measure greater than 1.5 meters in any dimension;
- (9) refrigerators and freezers placed for special collection shall:
 - (a) have coolant professionally removed with “coolant removal sticker” attached and visible on the appliance; and
 - (b) have the door removed from the appliance.
- (10) leaf and yard waste placed for special collection shall, in the case of leaves, be placed in securely tied, orange or clear plastic disposable waterproof bags of a dimension no smaller than 66 cm. x 91 cm., nor greater than 75 cm. x 120 cm., and shall not exceed a weight of 25 kg. per bag and in the case of brush and tree branches, shall be bundled in bundles not exceeding 105 cm. in length or 25 kg. in weight and individual limbs shall have a diameter not exceeding 8 cm. in diameter;
- (11) Christmas tree waste shall not have any decoration, ornament, wires or nails attached and shall not exceed 3 metres in length.

16.23 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.

16.24 Except to the extent authorized by contract with the Town of Windsor or by public education documents distributed by the Town of Windsor from time to time, no person shall place for collection:

- (1) hazardous waste;
- (2) hospital and pharmaceutical waste;
- (3) asbestos;
- (4) septic waste;
- (5) hot ashes;
- (6) dead animals;
- (7) industrial waste, including non-residential farm, forestry or fishing waste;
- (8) tire and auto parts;

- (9) waste generated outside the Town of Windsor; or
- (10) other materials or solid waste as may be identified as unacceptable for collection in public education documents distributed by the Town of Windsor from time to time.

16.25 Except as authorized by the Town of Windsor, 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 Town of Windsor from the moment of placement for municipal collection. Nothing in this section relieves an owner or occupant from the duties set out in subsection [(3)] of section [23].

Solid Waste Collectors

16.26 No person shall engage in the business of collecting or transporting solid waste to a solid waste management facility in the Town of Windsor unless the person holds a current Collectors License from the Town of Windsor for that purpose, obtained or renewed before January 20 in each calendar year.

16.27 The application for a Collectors License shall be made in writing, in duplicate, on such form as may be specified by the Solid Waste Manager from time to time, and signed by the person applying therefore. Every application for a Collectors License, including each annual renewal, shall contain the following information:

- (1) the name, address and phone number of the applicant;
- (2) the provincial motor vehicle registration number and description by make, model, and year of any vehicles to be used by the applicant in connection with the collection or transportation of solid waste in the Town of Windsor;
- (3) a description of the types of solid waste for which a Collectors License is sought;
- (4) an annual license fee of \$50.00.

16.28 Licensed collectors shall use collection and transportation equipment which:

- (1) is insured for third party liability in such amount as may be required from time by the Solid Waste Manager;
- (2) is registered under the *Motor Vehicle Act* and which complies with all provisions of that *Act* or of any other applicable statute or regulation in effect from time to time;
- (3) is driven by operators with valid operators' permits of the requisite class for that type of vehicle;
- (4) is designed and utilized in a manner which prevents any solid waste or liquid waste from falling out, being spilled, blown or scattered from the vehicle during collection or transportation and, in particular:
 - (a) must be equipped with a tailgate or other restraining device which shall be closed while the vehicle is in motion;

- (b) must be equipped with a cover, tarpaulin or other adequate protective device to prevent littering during collection or transportation of solid waste;
- (5) if used in the collection of more than one type of solid waste, be designed, constructed and used in such a manner as to prevent cross-contamination between different solid waste streams;
- (6) displays the name of the Licensed collector in characters not less than 2.5 cm. in height.

16.29

Licensed collectors shall:

- (1) refuse collection of solid waste which is not separated or otherwise placed for collection in accordance with the requirements of this Bylaw, unless waste is delivered to a waste separation facility;
- (2) haul in separate loads solid waste collected in different municipal units, except as may be expressly authorized by the Solid Waste Manager;
- (3) comply with the provisions of this Bylaw, including but not restricted to those concerning the placement or deposit of solid waste at municipal solid waste management facilities;
- (4) collect solid waste from the right-hand side of the road only, except on one-way streets or other streets that may be designated by the Town of Windsor;
- (5) attend courses or training seminars, as stipulated from time to time by the Solid Waste Manager regarding the collection and transportation of solid waste, the use of solid waste management facilities and the public education of solid waste generators;
- (6) comply with any directives or restrictions on collection or transportation routes, or the timing, procedures or methods to be utilized in connection with the collection or disposal of solid waste at a municipal solid waste management facility as may be specified by the Solid Waste Manager from time to time.

16.30

The Solid Waste Manager may refuse to issue or renew or may revoke or suspend a Collectors License for breach of this Bylaw or of the terms or conditions of a License. The Solid Waste Manager may suspend a Collectors License on reasonable and probable grounds without hearing or notice in the event of a wilful breach of this Bylaw or a loss or apparent loss of licensing, registration or insurance, in which event an interim suspension shall remain in effect for a period of up to 30 days pending a hearing. In all other instances, a refusal to issue or renew or a revocation or suspension of the License shall only be made by Town of Windsor Council after convening a hearing upon advance notice to the applicant or Licensed Collector by registered mail or personal service.

16.31

By contract with persons whose solid waste is partially or entirely ineligible for general municipal collection, and to the extent of such ineligibility, the Town of Windsor may reduce the tipping fees set out in the immediately preceding section of this Bylaw for solid waste generated within the Town of Windsor in order to

achieve economies of scale or efficiencies in solid waste management, in order to achieve waste diversion objectives of the Town of Windsor established under the Solid Waste – Resource Management Regulations of the Province of Nova Scotia, and without limiting the generality of the foregoing, in negotiating tipping fees by contract, the Town of Windsor may consider the nature, volumes, uniformity, recyclability or marketability of solid waste generated by particular waste generators, the presence or absence of excess capacity at municipal solid waste management facilities for particular types of waste and the desirability of spreading the capital cost of such facilities, including decommissioning costs, to a larger group of users or any other factor that might reasonably affect the Town of Windsor cost per tonne of collecting or disposing of solid waste.

16.32 The Town of Windsor 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.

16.33 The Chief Administrative Officer or his or her designate shall have the authority to make contracts on behalf of the Town of Windsor in regards the disposal of solid waste at a municipal solid waste management facility and in regards the collection of solid waste from individual generators, provided however, that all such contracts, except those expressly approved by Council, shall be for a fixed term of one year or less and shall contain or be deemed to contain a provision entitling the Town of Windsor to terminate the contract without notice for cause or on 30 days notice without cause.

16.34 Tipping fees 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 Town of Windsor 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:

- (1) 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;
- (2) in the case of others, by separate invoice for waste collection and disposal; and
- (3) 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.

16.35 Each fiscal year the Council shall determine an amount to be paid into a capital reserve fund for the decommissioning and closure of municipal solid waste management facilities.

Enforcement and Penalty

- 16.36** Proof that solid waste that was deposited or placed somewhere in contravention of this Bylaw 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.
- 16.37** Any person who contravenes any provision of this Bylaw is punishable on summary conviction by a fine of not less than \$50.00 and not more than \$5000.00 and to imprisonment of not more than 60 days imprisonment in default of payment thereof.
- 16.38** Any person who contravenes sections 10 through 17, 22, 23, 24, and 25 of this Bylaw and who is given notice of the contravention may pay to the Town of Windsor, at the place specified in the notice, the sum of \$50.00 within 14 days of the date of the notice and shall thereby avoid prosecution for that contravention.
- 16.39** This Bylaw shall become effective at 12:00 a.m., April 1, 2003.

Clerk's Annotation for Official By-Law Book

Date of first reading of by-law: August 27, 2002

Date of advertisement of Notice of Intent to Consider: September 4, 2002

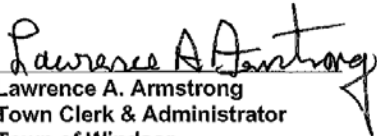
Date of second reading of by-law: September 24, 2002

Date of Passage of second reading of by-law: October 29, 2002

*Date of advertisement of Passage of By-Law: November 6, 2002

Date of mailing to Minister a certified copy of By-Law: April 24, 2003

I certify that this SOLID WASTE BY-LAW was adopted by Council and published as indicated above.


Lawrence A. Armstrong
Town Clerk & Administrator
Town of Windsor

April 24, 2003
Date