

October 3, 2016

The Municipal Council for the Municipality of the County of Pictou met in the Council Chambers of the Municipal Administration Building on Monday, October 3, 2016 at 7:00 p.m.

**PRESENT**

Dist.	2	Clr Deborah Wadden
	3	Clr. Darla MacKeil,
	4	Warden Ronnie Baillie
	5	Clr. Robert Parker
	6	Clr. Jim Turple
	7	Clr. David Parker
	8	Clr. L. Fraser
	9	Clr. Larry Turner
	10	Clr. Jamie Davidson
	11	Deputy Warden Andy Thompson
	12	Clr. Chester Dewar
	13	Clr. Randy Palmer
	14	Clr. Scott Johnston

**ABSENT**

Dist.	1	Clr. Sally Fraser
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**IN ATTENDANCE**

Donn Fraser, Solicitor, MacIntosh, MacDonnell & MacDonald  
Brian Cullen, CAO/Municipal Clerk Treasurer  
Karen E. Cornish, Deputy Municipal Treasurer  
Carolyn MacIntosh, Deputy Municipal Clerk  
Jane Johnson, Recording Secretary

**BY INVITATION:**

Heather Murphy, MacDonald & Murphy Inc.

**MOMENT OF SILENCE**

Council observed a moment of silence in memory of the late John Henderson, former Councillor for the Municipality of the County of Pictou.

**WELCOME**

Warden Baillie welcomed Karla MacFarlane, MLA for Pictou West to the Council Chambers.

**MINUTES**

It was moved by Clr. Wadden and seconded by Clr. L. Fraser that the minutes of September 29, 2015, August 2 and September 6, 2016 be approved as presented.

Motion carried.

**CORRESPONDENCE**

Correspondence was received and acknowledged from the following:

- a) Letters of appreciation (uncirculated) for financial assistance were received from the following: Trenton FunFest, Ryan Dykstra (NRHS Bursary), & Don & Dave Robeson for the plaque recognizing the replica of the old Merigomish Train Station.

**COMMUNITY ANNOUNCEMENTS**

There were no community announcements.

**2015/16 FINANCIAL STATEMENTS (7:05 P.M.)**

Ms. Heather Murphy, MacDonald & Murphy Inc. reviewed the Consolidated Financial Statements for the Municipality for the period ending March 31, 2016. In respect to the report Ms. Murphy advised that it is the opinion of the firm that the financial statements presently fairly, in all material respects, the financial position of the Municipality and the results of its operations and its cash flows.

In reviewing the Consolidated Statements of Financial Activities, Ms. Murphy reported that the total revenue for the reporting period was \$16,501,425; total expenditures for the period were \$15,843,527 and the change in the fund balances for the year was \$657,898.

Clr. D. Parker asked Ms. Murphy does the audit check for expenditure of funds by Councillors and staff for conferences and social functions and Ms. Murphy responded that is outside the scope of the audit.

**MOTION**

It was moved by Clr. Palmer and seconded by Clr. Turple that Council approve the 2015/16 Financial Statements as presented.

Motion carried.

Warden Baillie thanked Ms. Murphy as well as the Municipality's staff for all the hard work during the past year. He then excused Ms. Murphy from the balance of the meeting. (7:25 p.m.)

**PROPERTY SERVICES COMMITTEE REPORT**

Clr. D. Parker presented the report of the Property Services Committee as follows:

**PROPERTY SERVICES COMMITTEE REPORT**

For information purposes the Property Services Committee submits the following report on the activities of the Committee for the month of September:

- 1. Met with a resident of Westview Drive, Westville Road to discuss confusion resulting from Canada Post's elimination of rural routes for the delivery of mail. The use of the words "road, avenue, street," etc. in a community name is seen as problematic and staff has been instructed to work in consultation with the residents and the Department of Transportation & Public Works to resolve this issue, and other issues around the spelling variations in the names of roads and communities as they arise.
- 2. Reviewed the report of the Building Inspector, By-Law Enforcement/Dog Control Officer and Warden for the month of August.
- 3. Deferred the selection of subdivision roads for cost-sharing in 2017/18 until the next meeting of the Committee.
- 4. Approved the installation of street lights as follows:
  - District 9      1 light at 1908 Granton-Abercrombie Rd., Abercrombie
  - District 10     1 light at 1612 Fraser's Mtn. Rd., Fraser's Mtn.

5. Agreed to recommend the installation of intersection lights in Districts 13 & 14. (Resolution to follow)
6. Discussed the Canada Water Wastewater Fund approvals for the Plymouth/McLellan's Brook Phase II Wastewater Project, the Springfield Estates Water & Wastewater Project, and the Abercrombie Wastewater Extension Project and the timelines needed to ensure compliance with mandated completion dates.
7. Agreed to write the Department of Transportation & Infrastructure Renewal seeking information on the Department's policy on weed and brush removal on paved and gravel roads.

DATED at Pictou, N.S. this 3<sup>rd</sup> day of October, 2016.

(Sgd.) David Parker  
Jim Turple

### **MOTION**

It was moved by Clr. D. Parker and seconded by Clr. Turple that the report of the Property Services Committee be received for information purposes.

Motion carried.

### **FINANCIAL SERVICES COMMITTEE REPORT**

Clr. Palmer presented the report of the Financial Services Committee as follows:

#### **FINANCIAL SERVICES COMMITTEE REPORT**

For information purposes the Financial Services Committee submits the following report on the activities of the Committee for the month of September:

1. Approved the list of Accounts Paid for the month of August.
2. Considered several applications for financial support. (Resolution to follow)
3. Reviewed minor draft amendments to the MGA for the fall session of the Legislature.
4. Discussed proposed changes to the Solid Waste By-Law to provide for the ability to issue directives to supplement the by-law, flow control, enforcement of the by-law and penalties. The Committee has agreed to introduce a revised by-law to Council for first reading. (Notice of Motion to follow)
5. Discussed the appointment of an Aquaculture Development Working Group. (Resolution to follow)
6. Instructed administrative staff to contact the Department of Municipal Affairs to request a Loan Guarantee Resolution for the Linacy Fire Department.
7. Agreed to request information from the MOU partner municipalities on the tendering processes used for goods and services acquired by those partners throughout the MOU process.
8. Discussed the sharing of election information on the Municipality's website.
9. Agreed to table discussion on televised Council meetings until such time as the Provincial Government discloses information on proposed accessibility legislation which could significantly impact the cost to the Municipality to provide this service.

10. Met in closed session to discuss matters relating to litigation or potential litigation.

DATED at Pictou, N.S. this 3<sup>rd</sup> day of October, 2016

(Sgd.) Randy Palmer  
Chester Dewar

**MOTION**

It was moved by Clr. Palmer and seconded by Clr. Dewar that the report of the Financial Services Committee be received for information purposes.  
Motion carried.

**MUNICIPAL ALCOHOL PROJECT**

The minutes from the September meeting were distributed to all Councillors. The Committee continued to fill out a request for the Chronic Disease Innovation Grant to support our northern zone Intergenerational forum.

Also, attached to Councillor Wadden’s report was a letter to all participating Councils from our MAP elected representatives, which cannot emphasize enough the importance of all Councils continued participation on this committee. Some of the representatives are running for re-election and some have decided to not re-offer. There will be a different committee after Nov 1. It is very important Councils all agree to maintain representation on this committee so its work can continue. Councillor Wadden thanked Council for allowing her the opportunity to serve on this committee during this term in office. I understand first-hand the importance of your continued participation so the work of the MAP can and will continue.

Clr. D. Parker asked the amount of the Chronic Disease Innovation Grant and Clr. Wadden replied the total Innovation Grant is \$75,000 but they are requesting \$40,000. Clr. Wadden explained the money will be used for the northern zone intergenerational forum.

**ECONOMIC DEVELOPMENT WORKING GROUP**

Clr. R. Parker reported a meeting is scheduled for this Wednesday, October 5, 2016 and the Working Group members had an opportunity to take the idea of putting an RFP together to do a study on the economy and how we might move it forward. They are going to review several studies that were done in the past and what may be needed to move forward with the RFP. They are very hopefully they can hand something onto the new Councils at that time and it is very important that this Working Group continue in future.

**RESOLUTION – MUNICIPAL GRANTS**

Clr. R. Parker presented a resolution to Council as follows:

RESOLUTION

BE IT RESOLVED by the Municipal Council for the Municipality of the County of Pictou that Council approve the payment of the following Municipal Grants:

Recreation:

Caribou River Community Hall	\$ 150.00	D3 Clr. Allotment; General Operating Costs
Thorburn Beavers & Cubs	150.00	D13 Clr. Allotment; Program Expenses
Recreation Nova Scotia	2,000.00	Conference Sponsorship

Trenton & Area Minor Softball Assoc.	<u>1,000.00</u>	Fencing, Backstops & Lighting
	<b>\$ 3,300.00</b>	

Municipal Services:

D14 MacDonald Rebekah Lodge #108	<u>\$ 1,500.00</u>	Sills, Eaves, & Painting
<b>TOTAL:</b>	<b>\$ 1,500.00</b>	

D14 Garden of Eden Comm. Club		Repurposing of \$2,000 grant originally approved on July 4/16 to replace soffit & fascia and to install soffit ventilation. Funds now required for emergency replacement of Oil Tank.
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Council:

St. Andrew's Presbyterian Church	<u>\$ 7,500.00</u>	Warm Hearts Syrian Refugee Sponsorship; Funds to be held in reserve until Family has arrived in Canada
	<b>\$ 7,500.00</b>	

**GRAND TOTAL: \$ 12,300.00**

DATED at Pictou, N.S. this 3<sup>rd</sup> day of October, 2016

(Sgd.)                      Robert Parker  
Darla MacKeil

**MOTION**

It was moved by Clr. R. Parker and seconded by Clr. MacKeil that the preceding resolution be adopted as presented.  
Motion carried.

**RESOLUTION – AQUACULTURE DEVELOPMENT WORKING GROUP**

Clr. L. Fraser presented a resolution to Council as follows:

RESOLUTION

BE IT RESOLVED by the Municipal Council for the Municipality of the County of Pictou that Council approve the following nomination for the 2016/17 term:

<b>OUTSIDE BOARDS</b>	
Aquaculture Development Working Group	Sally Fraser, Deborah Wadden, Jamie Davidson, Corinne MacDonald (Volunteer Representative) & Steven MacIntosh (Lease Holder)

DATED at Pictou, N. S. this 3<sup>rd</sup> day of October, 2016.

(Sgd.)                      Leonard Fraser

Jamie Davidson

**MOTION**

It was moved by Clr. L. Fraser and seconded by Clr. Davidson that the preceding resolution be adopted as presented.  
Motion carried.

**RESOLUTION – INTERSECTION STREET LIGHTS**

Clr. Palmer presented a resolution to Council as follows:

**RESOLUTION**

WHEREAS the Municipal Council for the Municipality of the County of Pictou has adopted a policy with respect to the provision of street lighting at intersections in areas where residential street lighting does not exist;

WHEREAS this policy is intended to aid in the safe passage of motor vehicles on public streets or roads and pedestrian traffic at street intersections and other pedestrian infrastructure in a manner which is both affordable and adequate for vehicular and pedestrian traffic;

WHEREAS the Property Services Committee has considered requests for intersection street lights in District #13 and #14;

THEREFORE BE IT RESOLVED by the Municipal Council for the Municipality of the County of Pictou that Council approve the installation of intersection street lights, in accordance with Policy #2016-03-34, at the following intersection:

- District #13: at the intersection of the Thorburn Road & Park Falls Road, Sutherland's River;
- District #14 at the intersection of the Brookville Road & McLellan's Mountain Glencoe Road, McLellan's Brook.

DATED at Pictou, NS this 3<sup>rd</sup> day of October, 2016.

(Sgd.) Randy Palmer  
Chester Dewar

**MOTION**

It was moved by Clr. Palmer and seconded by Clr. Dewar that the preceding resolution be adopted as presented.  
Motion carried.

**NOTICE OF MOTION – SOLID WASTE BY-LAW**

NOTICE OF MOTION (1<sup>st</sup> Reading)  
SOLID WASTE RESOURCE MANAGEMENT BY-LAW

TAKE NOTICE that the following resolution will be presented to Municipal Council for consideration on Monday, October 24, 2016.

DATED at Pictou, NS this 3<sup>rd</sup> day of October, 2016.

(Sgd.) \_\_\_\_\_

ROBERT PARKER  
FINANCIAL SERVICES COMMITTEE

## RESOLUTION

BE IT RESOLVED by the Municipal Council for the Municipality of the County of Pictou that Council adopt the following by-law with respect to solid waste resource management in the Municipality:



### MUNICIPALITY OF THE COUNTY OF PICTOU SOLID WASTE-RESOURCE MANAGEMENT BY-LAW

#### 1. DEFINITIONS

In this Bylaw:

- 1.1 "**Authority**" means the Pictou County Shared Services Authority.
- 1.2 "**boxboard**" means cereal, shoe, tissue, detergent, cracker, cookie, baking product boxes, frozen food boxes, toilet paper rolls and paper towel rolls or other similar items, with plastics removed.
- 1.3 "**bulky items**" means large items of a household nature including but not limited to furniture, stoves, mattresses, bed springs, barrels, water tanks, dishwashers, oil tanks, and pieces of fencing.
- 1.4 "**bylaw officer**" means any town police officer or bylaw officer of the municipality where an offence takes place.
- 1.5 "**compostable organics**" or "**organics**" means food waste, leaf and yard waste, boxboard, soiled and non-recyclable paper, branches and bushes, natural Christmas trees without decorations or stands, and other material of plant or animal origin as designated by the Authority from time to time, and including dinner napkins, paper towels & fast food wrappers, wax paper, wrapping paper, soiled pizza boxes, paper plates and cups, damp and soiled newspaper and flyers, sugar, flour & potato paper bags or other similar items.
- 1.6 "**construction and demolition waste**" means materials which are normally used in the construction of buildings, structures, roadways, walls and landscaping, and includes, but is not limited to soil, asphalt, brick, mortar, concrete, drywall, plaster, cellulose, fibreglass fibres, lumber, wood and asphalt shingles.
- 1.7 "**dwelling**" or "**dwelling unit**" means one or more habitable rooms designed or intended for use by one or more individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of such individual or individuals, with a private entrance from outside the building, or from a common hallway or stairway inside the building.
- 1.8 "**eligible premises**" means those properties within the jurisdiction of the System, which are eligible for System Collection.
- 1.9 "**fibre recyclables**" means mixed paper, corrugated cardboard, newsprint, magazines,

catalogues, flyers, telephone and other soft cover books, egg cartons, and other similar items designated by the Authority from time to time.

**1.10 "food waste"** means fruit and vegetable or organic waste, 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.

**1.11 "General Manager" or "Manager"** means the General Manager of Pictou County Solid Waste Management System, the successor to such position, or a person designated by the Manager to act in place of the Manager.

**1.12 "household hazardous waste" or "HHW"** means waste-resource materials of a potentially hazardous nature generated in households and includes, for example, products such as solvents, glues, cleaners, paints and finishes, asphalt sealers, gasoline, diesel, kerosene, pesticides, lawn and garden chemicals, poisons, roofing tar, pool chemicals, household batteries, and automotive fluids.

For the purposes of this bylaw, hazardous waste does not include PCBs, radioactive materials, explosives, fireworks, pathological wastes, or ammunition.

**1.13 "industrial/commercial/institutional waste" or "IC&I waste"** means waste-resource generated in the IC&I sector.

**1.14 "IC&I premises"** means a lot of land occupied by one or more industrial, commercial or institutional establishments and **"IC&I sector"** has an equivalent meaning with reference to that economic sector.

**1.15 "leaf and yard waste"** means grass clippings, leaves, brush, twigs, house and garden plants, sawdust and wood shavings or other similar items.

**1.16 "mini-bin"** means a small container supplied to eligible premises by the System for the collection of organic materials prior to deposit in an organics collection cart.

**1.17 "Municipality"** means the Municipality of the County of Pictou.

**1.18 "occupant"** means anyone who occupies property, including lands or buildings, and includes anyone who is a tenant, lessee, roomer, subtenant, under-tenant, co-tenant, or who otherwise occupies or has occupied land or buildings and their heirs and assigns and legal representatives, and also including an "owner" as defined hereinafter.

**1.19 "oil tanks"** means residential oil tanks, cleaned and empty of all liquids to a maximum size of 1000 litres.

**1.20 "organics collection cart" or "cart"** means an aerated cart supplied to eligible premises by the System for the collection of organic materials.

**1.21 "property owner" or "owner"** has the same meaning as "owner" in the *Municipal Government Act* and, for greater certainty, includes a landlord, a lessor, an owner, the person giving or permitting the occupation of premises, their heirs and assigns and legal representatives and, in the case of a corporation, the officers and directors of that corporation.

**1.22 "public waste"** means solid waste generated in or on the premises where the public is or would normally be responsible for disposing of waste generated at such premises

including, but not limited to enclosed or exterior shopping centres, malls, food courts, quick service or counter service restaurants, sports venues, office or other commercial premises, retail premises, private or public parks or campgrounds, and public event venues, whether inside or outside.

- 1.23 "recyclable materials"** means clear bag recyclables, newsprint, corrugated cardboard, boxboard and other paper products, redeemable beverage containers, milk cartons, glass bottles and jars, steel/tin food cans, aluminum foil plates, trays and wrap, high density polyethylene plastic containers #1 to #7), and polyethylene terephthalate plastic bottles (PET #1), plastic bags #4, stretch wrap, polystyrene, foam polystyrene, textiles, and other materials of a recyclable nature.
- 1.24 "Region 2B" or "the Region"** means all municipalities encompassed within the boundaries of Pictou Region (Region 2B) as defined within the Eastern Region in the Nova Scotia Waste-Resource Management Regulations and any amendments thereto.
- 1.25 "residual waste" or "residuals"** means and includes all waste other than recyclable materials or compostable organic materials and include:
- 1.25.1** broken bottles, crockery and glassware, floor sweepings, and furnishings, non-recyclable plastic and metal, non-recyclable packaging, non-repairable household goods and other household waste;
  - 1.25.2** non-recyclable glass that is securely wrapped or contained and clearly marked to prevent injury to collection personnel;
  - 1.25.3** bulky items;
  - 1.25.4** ashes and soot that is completely cold and dampened placed in plastic watertight bags securely tied and marked "ashes" or "soot";
  - 1.25.5** construction and demolition materials except for those which are recycled or re-used.
- 1.26 "source-separated waste-resources"** means waste-resources which have been separated "at source," i.e. at the point of generation, to facilitate their reuse, recycling, composting or disposal.
- 1.27 "the System" or "Pictou"** means the Pictou County Solid Waste Management System, a division of the Pictou County Shared Services Authority, a body corporate, incorporated under s. 60 of the *Municipal Government Act*.
- 1.28 "waste-resources"** means all those materials managed by or on behalf of the System as recyclable, compostable, household hazardous waste, construction and demolition, or residual waste.
- 1.29 "Waste-Resource Management Centre"** means a facility operated by the System for receiving, storing, sorting and shipping of waste-resources

## **2. SYSTEM AND REGIONAL BYLAW**

- 2.1** The **Pictou County Solid Waste Management System**, hereinafter referred to as "the System," is a division of the Pictou County Shared Services Authority incorporated by an Agreement entered into by the Municipalities dated April 1<sup>st</sup> 2010, (the "Agreement") Subject to the terms of the Agreement the Municipalities have given the System responsibility for the management of solid waste-resources within their respective jurisdictions pursuant to the *Municipal Government Act*, s. 60 and the Solid Waste Resource management Regulations made pursuant to the *Environment Act*.

- 2.2** Pursuant to the Agreement the Municipalities agreed to establish a Solid Waste Management Bylaw for the efficient and consistent execution of the System's mandate throughout the Region.
- 2.3** The General Manager of the System is responsible the Pictou County Shared Services Authority Board of Directors for the proper administration of the System in accordance with provincial legislation and regulations and the policies and plans approved and established by the Board of Directors from time to time..
- 2.4** The Board of Directors may by resolution issue Directives to supplement and assist with the better implementation of this bylaw and it is the intent of the Municipality that such Directives made by the Board of Directors pursuant to the provisions of this bylaw shall be and shall become Directives of the Municipality to be enforced pursuant to this bylaw in the same manner as any other provision of this bylaw. It shall be an offence to fail to comply with any such Directive.
- 2.5** The System may appoint one or more Bylaw Enforcement or Compliance Officer to assist with the enforcement of this bylaw.
- 2.6** For the purposes of the administration of this bylaw, the General Manager, Bylaw Enforcement Officer or Compliance Officer, or an agent or employee of the System so designated by the General Manager, may, at any reasonable time, enter and inspect any land or premises, other than a dwelling or a room being used as a dwelling to determine compliance with this bylaw and Directives issued pursuant to this bylaw, including the right to inspect waste, residual waste and any storage facility.
- 2.7** The General Manager, Bylaw Enforcement Officer or Compliance Officer may by an Order in writing direct any person to do any act or thing to comply with the provisions of this bylaw or any Directive issued pursuant to this bylaw in the manner and within the time specified in the written Order.
- 2.8** Any written Order signed by the General Manager, Bylaw Enforcement Officer or Compliance Officer, is effective if delivered personally to the person named in such Order or if sent by prepaid post or facsimile or email transmission to the most recent known address of the person named and shall be deemed to have been received by such person, in the case of facsimile or e-mail transmission on the day after it was sent and in the case of prepaid post, on the third day after it was sent, unless otherwise actually acknowledged as received in which case receipt is effective as of the date and time of acknowledgement.
- 2.9** It shall be an offence for any person to fail or refuse to comply with a written Order signed by either the General Manager, Bylaw Enforcement Officer or Compliance Officer pursuant to this bylaw.

### **3. PROHIBITIONS**

#### **3.1 Illegal Dumping**

No person shall dispose of waste-resources in the Pictou Region except at facilities permitted by Sections 19 and 31 of the provincial Solid Waste-Resource Management Regulations or, where such permission is not required, as may be permitted by this Bylaw.

#### **3.2 Illegal Dumping of Solid Waste at Waste Facility**

No person shall dispose of residual waste or solid waste at or on the lands of a Waste-Resource Management Centre or any other facility licensed to receive any category of waste

except where directed by staff of the Centre or facility.

### **3.3 Waste-Resource Burning**

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

### **3.4 Materials Banned from Disposal by Provincial Regulation and the System**

No person shall dispose of the following materials in any landfill or incinerator, namely:

#### **3.4.1 Banned by Provincial Regulation**

Materials banned from disposal by provincial regulation, including those materials listed in Schedule B of the Nova Scotia Solid Waste-Resource Management Regulations as amended from time to time.

#### **3.4.2 Banned by the System**

Materials banned from time to time by the System in any Directive issued by the Authority pursuant to this bylaw.

### **3.5 Flow Control**

No person shall export or remove residual waste or unsorted solid waste generated within the Municipality outside the boundaries of the Region 2B.

**3.6** Notwithstanding section 3.5, the System may export or give special permission to others to export residual waste or unsorted solid waste to licensed facilities outside the boundaries of Region 2B.

### **3.7 Waste Accumulation**

No occupant or owner of property in the municipality shall allow, permit or authorize the accumulation of solid waste on or around property owned or occupied by them or allow, permit or authorize any uncollected solid waste to remain on or around property owned or occupied by them other than in a proper storage facility as approved in this bylaw or in any Directive issued by the System pursuant to this bylaw.

**3.8** No person shall place any solid waste for collection on a property other than a property owned or occupied by that person except with the express permission of the owner or occupier of such other property.

## **4. SOURCE-SEPARATION REQUIREMENTS**

### **4.1 Residential Waste-Resources**

All waste-resources being generated from a residence shall be source-separated for collection by the occupant into categories according to the System's source-separation policy as determined from time to time by the System (see section 3.4).

### **4.2 Industrial, Commercial and Institutional (IC&I) Waste-Resources**

IC&I sector establishments shall sort waste-resources so as to comply with the provincial and the System's disposal bans (see section 3.4). Establishments eligible for and using the System Collection program shall comply with the System's Source-Separation Policy.

### **4.3 Public Waste-Resources**

Those responsible for publicly accessible waste-resource receptacles in stores, parks, campgrounds, on public streets, or other areas shall ensure that receptacles are available to the public to receive source-separated waste-resources in accordance with this Bylaw.

## **5. SYSTEMCOLLECTION**

Solid Waste to be collected by or on behalf of the Authority must comply with the provisions of this section.

### **5.1 Cart/Clear Bag/Residual Waste Container Placement**

- 5.1.1** Carts, clear bags, and residuals containers shall be placed at roadside for collection as close as practical to the edge of the street, sidewalk or roadway to facilitate efficient collection taking into consideration factors such as urban versus rural setting, winter snow clearing operations, etc. The distance shall not exceed 3 meters from the edge of the street sidewalk or roadway.
- 5.1.2** All materials placed for collection shall be placed in front of and on the same side of the street, sidewalk or roadway as the eligible premises from which they have accumulated.
- 5.1.3** Organics collection carts shall be placed at roadside in an upright position with the lid closed.
- 5.1.4** In the case of multi-unit apartment buildings (those with more than four), the owner shall provide a storage enclosure for source-separated waste-resources in an easily accessible location on the building property meeting applicable municipal requirements. The owner's collection contractor will collect waste-resources from this location and deliver this material to locations approved by the waste management system.
- 5.1.5** Collection will be provided to all buildings (of four units or fewer) now or hereafter located on or adjacent to all public streets and roads in the towns of Trenton, New Glasgow, Stellarton, Westville, Pictou and the Municipality of the County of Pictou.
- 5.1.6** Cottage and private roads will receive collection only when road conditions are such that collection can take place without damage to the road surface or vehicles used for collection. In the case of cottages collection will be seasonable starting Victoria Day weekend and running one collection cycle following Thanksgiving weekend.
- 5.1.7** Collection will take place on public streets and roads only except for private roads maintained by the Government of Nova Scotia or a municipality; mobile home trailer park roads, private roads, roads on federal lands in cases where the cost of collection has been paid for by a grant in lieu of taxes or other means; or other roads as designated from time to time by the Authority, provided that all such roads must be in acceptable condition for the contractor's vehicles.
- 5.1.8** For all other roads not included in clause 5.1.7, the source-separated solid waste must be brought to the nearest intersection with a public street or road and placed in accordance with this Bylaw, or to a drop-off depot or storage facility provided by the System for that purpose, where it shall be collected.

### **5.2 Collection Times**

Waste-resources shall be set out at roadside for collection by 7:00 am on collection day. In the event of storm conditions preventing collection routes from being completed, the property owner shall remove or cause to be removed from the roadside the materials not collected and set them out again on the scheduled alternative collection day or the next

regularly scheduled collection day.

### **5.3 Removal of Collection Containers and Uncollected Material from Roadside**

#### **5.3.1 Removal of Collection Container**

Residual waste collection containers and organics collection carts shall be removed or caused to be removed by the property owner from roadside by the end of collection day except in the case of permanent waste-resource storage containers. Permanent storage containers shall comply with this Bylaw. Organics collection carts shall be removed from the roadside and stored on the premises. The cart shall be secured to prevent it from being blown into the roadway.

#### **5.3.2 Uncollected Waste-Resources**

Any materials not collected due to non-compliance with this bylaw, including litter produced from set-out or stored materials, shall be removed or caused to be removed by the property owner by the end of collection day. In cases where uncollected waste-resources have not been removed from the roadside within the time frame prescribed in a notice given by the Bylaw Enforcement Officer or Compliance Officer to the property owner, the General Manager may arrange for the removal and disposal of said materials and invoice the property owner for the removal and disposal costs.

### **5.4 Collection Containers Types and Weights**

No person shall place waste-resources for collection by the System in any container except as follows:

#### **5.4.1 Containers for Recyclables shall be:**

**5.4.1.1** Clear blue transparent plastic bags weighing no more than 15 kg including contents; or

**5.4.1.2** In the case of corrugated cardboard, bundles or packages, flattened and securely tied, weighing no more than 20 kg and measuring no more than 60 cm by 60 cm.

#### **5.4.2 Containers for Compostable Organics shall be:**

**5.4.2.1** Carts as designated and assigned to properties by the System containing a load weight of no more than 100 kg,

**5.4.2.2** Bundles of brush securely tied and weighing no more than 15 kg with no individual piece of material greater than 5 cm in diameter or longer than 1.2 m,

**5.4.2.3** Leaves in volumes exceeding the capacity of the cart may be saved for a Special Leaf Collection.

#### **5.4.3 Containers for Residual Waste shall be:**

##### **5.4.3.1** Water tight cans:

(i) constructed of durable metal, plastic or other impermeable material designed for containment of said materials,

(ii) equipped with a tight fitting impermeable cover,

(iii) equipped with handles in good repair;

(iv) as large or larger at the top than at the bottom; and

(v) weighing no more than 20 kg including the can and contents.

##### **5.4.3.2** Plastic bags:

(i) securely tied and watertight;

- (ii) having an overall length of not more than 1 m and not less than 70 cm when empty; and
- (iii) weighing no more than 15 kg including contents.

## **5.5 Waste-Resource Storage**

Waste-resource storage between collections shall be:

- 5.5.1** weather-tight and animal-proof;
- 5.5.2** capable of accommodating the quantities of source-separated waste-resources generated between collections at that location;
- 5.5.3** designed and constructed such that waste-resources remain in a source-separated condition;
- 5.5.4** Easily accessible to the occupants.
- 5.5.5** Safe for their intended users; and
- 5.5.6** In cases where System Collection is provided at the storage location, placed so as to provide unobstructed access over clear ground free of snow, ditches, brush or other obstacles to the System Collection truck within three (3) meters of the loading hopper.

## **5.6 Owner and Occupant Responsibilities for Waste-Resource Management**

The responsibility for the management of waste-resources in IC&I premises and residential tenancies is shared by the property owner and the occupant as follows;

### **5.6.1 Property Owner's Responsibilities**

The property owner shall:

- 5.6.1.1** provide waste-resource storage as set out in section 5.5;
- 5.6.1.2** in cases where storage is inaccessible to the collection truck as prescribed in section 5.5.6, ensure that waste-resources are set at roadside by 7:00 am for collection on collection day;
- 5.6.1.3** maintain waste-resource storage in good repair and a clean and tidy condition at all times, both inside and outside, including the immediate surroundings;
- 5.6.1.4** ensure that collection containers and uncollected waste-resources, including litter produced from set-out waste-resources by pests, weather conditions, or otherwise, are removed from roadside by the end of collection day;
- 5.6.1.5** abide by all directives of the Bylaw Enforcement Officer with regards to the handling of waste-resources;
- 5.6.1.6** ensure the storage facility is cleaned out regularly; and
- 5.6.1.7** Ensure all waste-resources generated on the property are sorted in accordance with Section 4 and any Directive issued pursuant to this By-Law.

### **5.6.2 Occupant's Responsibilities**

The occupant shall:

- 5.6.2.1** sort all waste-resources generated in the occupant's unit as provided in Section 4 and any Directives issued pursuant to this bylaw; and
- 5.6.2.2** between collections, place sorted materials in the storage provided by the property owner or in their own storage facility as the case may be.

## **5.7 Residential Inspection and Rejection Guidelines**

Waste-resources set out for System Collection shall be subject to inspection by the collection contractor and or by System staff. Waste-resources found not to be source-separated according to the System's Source-Separation Policy may be rejected and not collected.

## **5.8 System Collection Prohibitions**

No person shall:

- 5.8.1** pick over, remove, disturb or otherwise interfere with any waste material that has been set out for System Collection except that material which is set out for special collections may be removed for salvage or reuse providing that the set out location must be left in a clean and tidy condition;
- 5.8.2** collect waste-resources placed for collection by the System; or
- 5.8.3** remove a residuals container or an organics collection cart placed at roadside.

These prohibitions do not apply to the person who placed the waste material out for collection or to the System, or its contractors.

## **5.9 Suspension of Collection**

The General Manager may suspend Authority Collection, upon written notice, at any eligible premises where one of the following deficiencies develops until the deficiency is corrected to the General Manager's satisfaction, namely:

- 5.7.1** An unsafe or potentially unhealthy condition or a nuisance or a potential nuisance related to storage or collection of solid waste;
- 5.7.2** Persistent violation of any provision of section 5 of this Bylaw or any Directive issued pursuant to this Bylaw.

## **6. IC&I or Construction and Demolition Waste-Resources**

### **6.1 IC&I Waste-Resource Removal**

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

- 6.1.1** all waste generated by any industrial, commercial or institutional premises, facility or operation not eligible for System Collection pursuant to this Bylaw;
- 6.1.2** all waste resulting from construction or demolition of any kind, including renovation or repair, except that waste eligible for System Collection pursuant to this Bylaw.

### **6.2 Commercial Containers**

The following provisions apply to commercial containers:

- 6.2.1** Any person who owns or supplies a commercial container for the temporary storage of waste shall ensure that such commercial container:
  - 6.2.1.1** is sturdily constructed of weather proof and animal proof material and is capable of containing the material deposited within;
  - 6.2.1.2** 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; and
  - 6.2.1.3** is cleaned out regularly, as necessary, to avoid the buildup of odours.
- 6.2.2** The owner of any premises on which a commercial container is placed shall ensure that:
  - 6.2.2.1** any such container is kept in a manner that is not unsightly and does not cause a nuisance or health related problem; and
  - 6.2.2.2** that the area around the container is maintained free from litter and waste.

- 6.3** No person shall place waste in any commercial container without permission of the owner of the container.
- 6.4** All storage facilities are subject to inspection under section 2.6 of this Bylaw.
- 6.5** The owner of the premises or the owner or renter or user of any storage facility shall each ensure that all solid waste placed in such storage facility is source-separated and packaged as required by this bylaw and any Directive issued by the Authority pursuant to this bylaw.
- 6.6** Any person collecting, transporting or hauling solid waste or operating any storage facility shall ensure that all solid waste contained within such vehicle or storage facility is delivered to the Waste-Resource Management Centre in a source-separated condition and deposited at the Waste-Resource Management Centre in the designated locations for each type of source-separated solid waste.

## **7. WASTE-RESOURCE MANAGEMENT FACILITIES**

### **7.1 Haulage Vehicle Requirements**

The following rules will apply to all vehicles entering the Waste-Resource Management Centre properties:

- 7.1.1** Vehicles must comply with all Department of Transportation and Public Works requirements for securing and covering of loads so as to prevent spillage, litter, or dangerous conditions while in transit to or from, or while operating on, the Management Centres. No uncovered loads will be permitted to dispose of material at the solid waste facility.
- 7.1.2** Every commercial vehicle entering the Management Centres shall be in good repair and in compliance with all Department of Transportation safety requirements for the operation of vehicles on the highways of Nova Scotia.
- 7.1.3** Every commercial vehicle entering the Management Centres site must carry a minimum of \$2,000,000 Public Liability and Property Damage (PL&PD) insurance.
- 7.1.4** Vehicle operators shall exercise due care while on the Management Facilities property to avoid damage to all buildings, roadways, other structures, and open areas.
- 7.1.5** The vehicle operator shall clean up any litter produced on the Management Facility property due to the improper operation of a vehicle or due to the refusal of a vehicle operator to follow instructions from Management staff.
- 7.1.6** While on the Management Facility property, vehicle operators shall follow instructions of Management Facility staff at all times with regard to traffic flow, the manner and locations for tipping of loads and other issues relating to the smooth and safe operation of the Management Facility.
- 7.1.7** Persons who collect and transport waste resources shall do so in such a way as to prevent the discharge of litter or leakage from collection and transport vehicles.
- 7.1.8** Every vehicle used for the collection and transportation of waste-resources, 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 the waste-resources while

the same is being transported.

**7.1.9** All vehicles or containers used for the transportation of waste-resources shall be kept in a sanitary condition.

**7.1.10** The General Manager may inspect vehicles used for the collection or carriage of waste resources at all reasonable times to ensure compliance with this Bylaw.

## **7.2 Inspection and Enforcement**

All loads entering the Management Centre are subject to inspection and enforcement action by the General Manager. The General Manager or designate may issue warnings, charge increased tipping fees, administrative penalties, or revoke privileges of site users for non-compliance with Management Facilities source separation policies established from time to time by the General Manager. The System may from time to time establish administrative penalties to be levied against site users for non-compliance with Section 7.1.

**7.3** No person shall remove solid waste from a Waste-Resource Management Centre except as authorized by the General Manager.

**7.4** The operator of every commercial collection vehicle entering the Management Centre site shall produce, upon request of the General Manager or designate, a manifest consisting of a list of the customers whose solid waste is on board the vehicle.

## **8. PENALTIES**

**8.1** Any person who violates any of the following sections of this Bylaw:

**8.1.1** section 2.4 (failure to comply with a Directive)

**8.1.2** section 3.4 (depositing material banned by System)

**8.1.3** section 3.7 (accumulation of solid waste)

**8.1.4** section 3.8 (unauthorized placing of waste for curbside collection)

**8.1.5** section 5.1 (improper container placement)

**8.1.6** section 5.2 (improper set-out time)

**8.1.7** section 5.3 (removal from roadside of collection containers and uncollected material)

**8.1.8** section 5.6.2 (failure to fulfill occupant's responsibilities)

**8.1.9** section 5.8.1 (interfering with collection)

is guilty of a summary offense and liable to a fine of not less than one hundred dollars (\$100) and not more than five hundred dollars (\$500) and, in default of payment thereof, to imprisonment for a period of not more than ninety (90) days.

**8.2** Any person who violates any of the following sections of this Bylaw:

**8.2.1** section 2.9 (failure to obey a written Order)

**8.2.2** section 3.1 (illegal disposal)

**8.2.3** section 3.2 (illegal disposal at licensed facility)

**8.2.4** section 3.3 (illegal burning)

**8.2.5** section 3.5 (removal or export of residual or unsorted waste)

**8.2.6** section 4.2 (failure to source-separate solid waste)

**8.2.7** section 4.3 (source-separation, public waste)

**8.2.8** section 5.6.1 (failure to fulfill property owner's responsibilities)

**8.2.9** section 5.8.2 (illegal collection)

**8.2.10** section 5.8.3 (removal of green carts or waste containers)

- 8.2.11** section 6.1 (IC&I waste-resource removal)
- 8.2.12** section 6.2 (improper commercial containers)
- 8.2.13** section 6.3 (unauthorized use of waste storage)
- 8.2.14** section 6.5 (failure to ensure waste is source-separated and packaged)
- 8.2.15** section 6.6 (failure to keep waste source-separated and packaged)
- 8.2.16** section 7.1 (improper haulage vehicle requirements)
- 8.2.17** Section 7.4 (failure to provide a manifest)

is guilty of a summary offense and liable to a fine of not less than five hundred dollars (\$500) and not more than five thousand dollars (\$5000) and, in default of payment thereof, to imprisonment for a period of not more than ninety (90) days.

- 8.3** Subject to Sections 8.1 and 8.2, any person who violates any provision of this bylaw is guilty of a summary offense and liable to a fine of not less than one hundred dollars (\$100) and not more than five thousand dollars (\$5,000) and, in default of payment thereof, to imprisonment for a period of not more than ninety (90) days.

**8.3.1** This By-Law may be enforced, at the discretion of a Municipality or the System, by any Peace Officer, By-law Enforcement Officer, Compliance Officer, in accordance with the provision and procedure set out in the *Municipal Government Act*, or by means of a Summary Offence Ticket under the *Municipal Government Act* or the *Summary Proceedings Act*.

**8.3.2** The *Summary Proceedings Act*, where applicable, shall apply to proceedings under this By-Law.

- 8.4** No person shall be convicted of an offence under this Bylaw if the person establishes that the person:
  - 8.4.1** exercised all due diligence to prevent the commission of the offence; or
- 8.5** Where a person is convicted of an offence under this Bylaw and the Court is satisfied that, as a result of the commission of the offence, monetary benefits accrued to the offender, the Court may order the offender to pay, in addition to the fine prescribed for that offence, a fine in an amount equal to the estimation of the Court of the amount of those monetary benefits.
- 8.6** Where a person is convicted of an offence under this Bylaw and the Court is satisfied that, as a result of the commission of the offence, that clean up or site remediation costs were incurred, whether by another person, the System or a municipality, the Court may order the offender to pay, in addition to all other fines and penalties, restitution in an amount equal to the clean up or site remediation costs.
- 8.7** In any prosecution for an offence under this Bylaw, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused, whether or not the employee or agent is identified or has been prosecuted for the offence, unless the accused establishes that the offence was committed without the knowledge or consent of the accused.
- 8.8** Where a corporation commits an offence under this Bylaw, any officer or director of the corporation who directed, authorized, assented to, acquiesced in or participated in the violation of this Bylaw is guilty of the offence and is liable to the punishment provided for the offence, whether or not the corporation has been prosecuted.
- 8.9** In lieu of prosecution under this Bylaw, the General Manager or his delegate may in his sole and absolute discretion, issue to any person he believes upon reasonable grounds has committed an offence under of this Bylaw a Notice of Violation, which Notice shall require the person to whom it is directed to pay to the Authority within fourteen (14) days of the issuance of the Notice the sum of seventy-five dollars (\$75) for offences listed in section 8.1 and one hundred and fifty dollars(\$150) for offences listed in section 8.2. and seventy-five dollars (\$75) for offences covered by section 8.3. Where a Notice of Violation is issued and if that sum is paid as required

therein, no prosecution shall ensue in respect to the matter or matters referred to in the Notice. For greater certainty, nothing in this bylaw requires the General Manager to issue a Notice of Violation before initiating a prosecution.

**8.10** Where an offence under this Bylaw 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.

**8.11** Proof that solid waste that is disposed of anywhere in contravention of this bylaw originated from a particular person shall be evidence that the person so disposed of it in the absence of evidence to the contrary.

## **9. REPEAL**

All former by-laws of the Municipality with respect to Solid Waste-Resource Management, including the by-law adopted by Municipal Council on September 2, 2008, are hereby repealed.

DATED at Pictou, NS this 24<sup>th</sup> day of October, 2016.

### **LYONS BROOK PLOW SHED DISPATCHING**

Clr. Turple reported the Province is cutting back on workers at the Plow Shed in Lyons Brook and we are going to lose our dispatchers. Clr. Turple read a letter that Karla MacFarlane, MLA, Pictou West sent to Minister MacLellan as follows:

Dispatchers provide a valuable service to the local areas in which they work. They are the first contact for the public and for myself when issues arise regarding roads. As you are aware there are a wide variety of roads in Pictou West including the causeway, parts of the 104, asphalt and chip sealed roads and hundreds of km. of graveled roads. We have been served well by the dispatchers in Lyons Brook to date. I am dismayed that the dispatch position has been cut in Pictou West. There is simply no way we can retain the same level of service from a call center in Cape Breton. By cutting this position 2 people with over 30 years' experience with the Department are losing their jobs. These are good paying jobs that are very hard to come by in rural Nova Scotia. While centralizing services may work in some areas, I do not feel it will work here given the quality of roads in a large geographical rural area. I am asking you to intercede and keep this position in Lyons Brook.

### **MOTION**

It was moved by Clr. Turple and seconded by Clr. R. Parker that a letter be sent to the Minister of Transportation & Infrastructure Renewal advising that Council supports MLA, Karla MacFarlane's efforts in keeping the dispatcher position in Lyons Brook and a request the Department redouble its efforts to insure there is adequate signage on rural Pictou County roads.

Clr. R. Parker reported that you never gain when decisions are made farther away and there has been a continual loss of services especially in Pictou West.

Clr. D. Parker pointed out there are a lot of back roads in the County that still are not signed and we cannot expect an Ambulance operator from away to find those roads if they are not marked. The Department of Transportation & Infrastructure Renewal need to redouble their efforts regarding road signage.

Clr. L. Fraser reported the people of Pictou County are really disappointed with the Government and what it is doing to this area.

Motion carried.

**EMERGENCY RESOLUTIONS**

There were no emergency resolutions.

**REFERRALS TO COMMITTEES & NOTICES OF MOTION**

There were no referrals to Committees & Notices of Motion.

**ADJOURN**

It was moved by Clr. Turple and seconded by Clr. Palmer that the meeting adjourn.  
Motion carried. (7:50 p.m.)

Robert Parker  
Warden

Brian Cullen  
Municipal Clerk