

1. **Council Convenes - O Canada** –Warden Hunter called to order the April 4, 2012 session of Cumberland Municipal Council at 1:00 p.m. The meeting was held in the Council Chambers of the E. D. Fullerton Municipal Building, Upper Nappan. O Canada was sung.
2. **Roll Call** - The roll was called by Shelley Hoeg, Executive Assistant to the Chief Administrative Officer. Councillors in attendance: Warden Keith Hunter, Deputy Warden Gerald Read, Councillor John Kellegrew, Councillor Kathy Redmond, Councillor Phillip Donkin, Councillor John Reid and Councillor Ratchford Merriam. Regrets were sent by: Councillor Allison Gillis, Councillor Ron MacNutt, and Councillor Ernie Gilbert. Staff in attendance were: A/CAO, Steve Ferguson, Director of Public Works, Robert Streach, Director of Finance, Andrew MacDonald, Director of Planning and Development, Penny Henneberry, Solid Waste and By-Law Administrator, Peter Cottingham, Municipal Clerk/Records Manager, Brenda Moore, Municipal Intern, Emily Lutz and Recreation and Physical Activities Coordinator, Vicki Weaver.
3. **Approval of Agenda (Additions/Deletions)** –The Agenda was approved with the following additions and deletions:

Additions:	11.3 – Community Development Grants, 12.2 – Green Cart Update, 12.3 – Fire Apparatus, 14.1 – Personnel Policy, 15.2 – Provincial Voters List
Deletions:	9, 13
4. **Approval of Minutes**
 - 4.1 **Minutes from March 21, 2012 Council Session**
The minutes of March 21, 2012 were approved as circulated.
5. **Business Arising from the Minutes**
 - 5.1 **Action List, March 21, 2012** – There was no discussion on this item.
6. **Public Hearings**
 - 6.1 **Solid Waste By-Law**

Warden Hunter called the Public Hearing to Order at 1:06 p.m.

a/CAO Steve Ferguson advised that no written submissions were received. Warden Hunter polled the Gallery, but there were no people present today to discuss the issue.

The Public Hearing was closed at 1:07 p.m.

IT WAS MOVED by Councillor Kellegrew, seconded by Deputy Warden Read to approve Final Reading of the Solid Waste By-law which is as such:

Municipality of Cumberland By-Law 12-01

Solid Waste By-Law

1. This By-Law is entitled the “Solid Waste By-Law” and is developed in accordance with *the Municipal Government Act 1998, Chapter 18, Section 325.*

Definitions

2. In this By-Law:
 - (1) **“backyard composting”** means composting at a residential premise 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:
 - (i) the waste is generated by the residents of the residential premise;
 - (ii) the annual production of compost on any property lot does not exceed 2 cubic meters; and
 - (iii) the composter or compost pile is not located within 15 meters of any window or door of a structure on an adjacent property.
 - (2) **“Bulky Item”** means a large, unbagged item of residual waste;
 - (3) **“biomedical waste”** means and is limited to carcasses of animals exposed to pathogens, disease waste, cultures and stocks, human blood and blood products, pathological waste,

- sharps waste, and other waste determined to be infectious;
- (4) **“CJSMA”** means the Cumberland Joint Services Management Authority or its successors who manage the operation of the Cumberland Central Landfill in Cumberland County;
 - (5) **“collector”** means any person or corporation collecting solid waste in the Municipality for gain or profit licensed in accordance with section 7 of this by-law;
 - (6) **“commercial container”** means any container used for the storage of solid waste or any container used for the storage of organic materials or recyclable materials originating from industrial, commercial, or institutional premises on properties located in the Municipality for collection by a hauler;
 - (7) **“compostable organics”** means 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, wet ashes, leaves and yard waste, together with such other organic materials as may, from time to time, be identified in public education documents suitable for municipal collection in compost carts;
 - (8) **“compost cart”** means a wheeled cart designed to be emptied by hydraulic lifting devices for the storage and municipal collection of compostables made available by or through the Municipality for that purpose;
 - (9) **“composting”** means the nuisance-free biological decomposition of organic materials, substances or objects under controlled circumstances to a condition sufficiently stable for safe storage and use in land applications;
 - (10) **“construction, demolition, and renovation 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, demolition, and renovation debris;
 - (11) **“contaminated soil”** means soil which
 - (i) has been contaminated with and contains in excess of 2,000 parts per million of total petroleum hydrocarbons; or
 - (ii) 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;
 - (12) **“contamination”** generally refers to any item which is not acceptable in any given source-separated stream according to the definition of that stream. In the case of recyclable materials, contamination also refers to recyclable items which may be soiled or dirty, which renders such items non-recyclable;
 - (13) **“Council”** means the Municipal Council for the Municipality;
 - (14) **“curb”** means that portion of the public street right-of-way between the traveled portion of the street and the property line which parallels the street center line;
 - (15) **“Cumberland Central Landfill”** means the solid waste processing and disposal complex at Little Forks, Cumberland County, which includes a sanitary landfill, a recycling plant, a compost processing facility, leachate treatment facility, leaf and yard waste area, contaminated soils area, a metal salvage area, and a demolition debris disposal site;
 - (16) **“By-Law Officer”** means any person appointed by the Municipality as a By-Law Officer or By-Law Enforcement Officer;
 - (17) **“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;
 - (18) **“hospital and pharmaceutical waste”** means waste generated at hospitals, clinics, pharmacies, veterinary clinics, dentist offices and includes used needles, drugs, dressings, excluding pathological waste;
 - (19) **“householder”** means owner, occupant, lessee, tenant or other person in charge of a dwelling, mobile home, hotel, restaurant, apartment unit, office building, public institution or other building or property, and includes the person assessed for the building pursuant to the

Assessment Act, R.S.N.S. 1989, c.23;

- (20) **“ICI sector”** means the Industrial, Commercial and Institutional sector, and includes motels, restaurants, office buildings, public institutions, manufacturing plants, retail sales outlets, apartment buildings with four (4) or more dwelling units, or any other premise not a residential premises as defined by this by-law;
- (21) **“landfill”** means a landfill site chosen by the Municipality by resolution;
- (22) **“Municipality”** means the Municipality of the County of Cumberland.
- (23) **“owner”** means:
- (i) a part owner, joint owner, tenant in common or joint tenant of the whole or any part of the land or a building;
 - (ii) in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or building; or
 - (iii) in the absence of proof to the contrary, the person assessed for the property;
- (24) **“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;
- (25) **“premise”** means any building or property in the Municipality;
- (26) **“public education documents”** includes newspaper or radio advertisements, newsletters, pamphlets, flyers or other material circulated by mail or delivery by or for the Municipality, CJSMA, the Nova Scotia Department of Environment or the Nova Scotia Resource Recovery Fund Board;
- (27) **“reactive waste”** means a waste that reacts violently with water or is readily capable of detonation or explosive reaction including calcium carbide;
- (28) **“recyclable material”** means corrugated cardboard, newsprint, bond paper, glossy flyers and magazines, egg cartons, box board, computer paper, 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, tetra packs and any such other items as may, from time to time, be identified in public education documents distributed by the Municipality or CJSMA as suitable for municipal general recyclable material collection;
- (29) **“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;
- (30) **“residential premises”** includes single family dwellings, duplexes and apartment buildings with three dwelling units or less, but does not include a motel, hotel or inn;
- (31) **“residential solid waste”** includes compostables, recyclable materials and residual waste generated at a residential premise;
- (32) **“residual waste ”** means waste other than:
- (i) recyclable material;
 - (ii) compostables;
 - (iii) construction, demolition, and renovation debris, pathological waste, reactive waste, septic waste, hospital and pharmaceutical waste, contaminated soils, friable asbestos, leaf and yard waste, sharps waste, white goods, or other material identified in this by-law as to be placed for collection only upon special collection dates;
 - (iv) notwithstanding subparagraphs (i) and (ii) 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;

- (33) **“scrap metal/white goods”** includes items such as washers, dryers, dishwashers, stoves and refrigerators;
- (34) **“septic waste”** means the liquid and solid material removed from septic tanks, sewage treatment plants, and manholes, cesspools, privies and portable toilets;
- (35) **“sharps waste”** means hypodermic needles, syringes with needles attached, IV Tubing with needles attached, dental scalers, scalpel blades, and lancets that have been removed from the original sterile package.
- (36) **“solid waste”** includes recyclable material, compostables, and residual waste , construction, demolition, and renovation debris, leaf and yard waste, contaminated soils and any other waste or discarded tangible personal property;
- (37) **“stream”** means waste of the same kind being:
- (i) compostables;
 - (ii) recyclable material;
 - (iii) residual waste;
 - (iv) construction, demolition, and renovation debris;
 - (v) contaminated soil;
 - (vi) solid waste of any type which is not acceptable at a municipal solid waste management facility; or
 - (vii) 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;
- (38) **“unacceptable materials”** means materials not accepted for disposal at the Cumberland Central Landfill, including but is not limited to biomedical waste and household hazardous waste;
- (39) **“yard and leaf waste”** means vegetative matter resulting from gardening, horticulture or landscaping, 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.

Source Separation

3. Owners and occupants of property in the Municipality shall separate solid waste at the time of generation, and provide storage, placement for collection and disposal into uncontaminated separate solid waste streams as follows:
- (1) compostables;
 - (2) recyclable materials;
 - (3) residual waste;
 - (4) construction, demolition, and renovation debris;
 - (5) contaminated soil;
 - (6) solid waste of any type which is not acceptable at a municipal solid waste management facility, each such type in its own stream; and
 - (7) 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.

RESIDENTIAL SECTOR

Residential Solid Waste Disposal

4. Except for the placement of solid waste for collection in accordance with this by-law, no person shall deposit, cause to be deposited or permit to be deposited solid waste at any place in the Municipality 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 or other by-laws of the Municipality 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 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.
5. No person shall place, cause to be placed, for collection any solid waste that is not separated as required by section 3 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 intermingled with solid waste of another kind, type, stream or place of origin;
6. No householder 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, unsightly or a hazard to public health;

Municipal Residential Collection

7. Council may by resolution provide for municipal collection of solid waste 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, 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.
8. Except to the extent authorized by contract with the Municipality or by public education documents distributed 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) the frequency and schedule of collection of residential solid waste within the Municipality shall be determined by resolution of Council;
 - (2) all solid waste shall be placed for collection within three meters of the curb, placed in such a manner as to interfere as little as possible with pedestrian traffic and snow removal;
 - (3) residual waste shall be placed for collection in securely tied, transparent colourless plastic disposable water-proof bags of a dimension not smaller than 60 cm X 80 cm, nor greater than 100 cm X 150 cm, and shall not exceed a weight of 25 kg per bag and not more than four [4] such bags per residential premises shall be placed for collection on any one collection day. One bulky item of residual waste may be placed at curbside for collection on the regular residential waste collection day. No item is to exceed 50 Kg in weight. Mattress and box spring sets shall be considered a single item.
 - (4) general recyclable materials shall be placed for collection in securely tied, transparent, colorless, or blue plastic disposable water-proof bags of a dimension no smaller than 60 cm X 80 cm, nor greater than 100 cm X 150 cm, and shall not exceed a weight of 25 kg per bag.
 - (5) the collection of compostable organics shall be subject to the following conditions or such further conditions as the Municipality may establish by resolution:
 - (i) each residential premises shall have a compost cart supplied by the Municipality in which organics are to be placed for collection;
 - (ii) the compost carts are the property of the Municipality. The owner of the residential premise shall be responsible to ensure that such carts are kept secure on their premise and are kept in good repair;
 - (iii) 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 this by-law.

- (6) 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 residential premise on any one special collection day and no individual item shall measure greater than 2.0 meters in any dimension;
- (7) construction, demolition, and renovation debris placed for special collection shall be in a single pile directly on the ground. The pile must be no longer than 3m in any dimension.
- (8) except to the extent authorized by contract with the Municipality or by public education documents distributed from time to time, no person shall place for collection:
 - (i) hazardous waste;
 - (ii) hospital and pharmaceutical waste;
 - (iii) pathological waste;
 - (iv) asbestos;
 - (v) septic waste;
 - (vi) hot or dry ashes;
 - (vii) dead animals;
 - (viii) industrial waste, including non-residential farm, forestry or fishing waste;
 - (ix) tires;
 - (x) waste generated outside the Municipality; or
 - (xi) other materials or solid waste as may be identified as unacceptable for collection in public education documents distributed from time to time.

(9) Scavenging

- (i) no person shall pick over, interfere with, disturb, remove or scatter any waste or bundled article placed out for collection, whether in a concealed container or otherwise;
- (ii) no person shall permit or suffer any animal owned or harboured by him or under his control to pick over, interfere, disturb, eat, remove or scatter any waste placed out for roadside collection;
- (iii) except as authorized by the Municipality, no person shall remove recyclable material or other solid waste placed or apparently placed for municipal collection by waste generators, owners or occupants, and all recyclable materials 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 subsection (12) of this section;
- (iv) this subsection does not apply to the person who placed the waste material for collection or to the Municipality, its contractors or authorized Municipality collection contractors;
- (10) no person shall place solid waste for collection on a property other than solid waste generated on that property;
- (11) no person shall place waste from premises other than residential premises on municipal property for collection or other reason without written permission from the Municipality;
- (12) waste refrigerators and freezers shall either be stored inside an enclosed, locked and child-proof building or shall have their doors removed and;
- (13) solid waste containers, compost carts, uncollected waste and any waste scattered by animals, pests or weather shall be removed by the householder from the place where

such solid waste was placed for collection no later than midnight on the day of collection.

Special Collections

9. 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, household hazardous waste or other specified solid waste and may limit such special collection in particular areas of the Municipality, 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.

Cost of Solid Waste Service

10. The cost of acquiring organics carts, together with collection fees and tipping fees for residential solid waste, which is subject to general municipal collection, will be paid by the Municipality and shall be estimated during the annual budget process of the Municipality and may be charged and collected:

- (1) as part of the municipal residential property tax; and
- (2) in the case of properties not subject to municipal residential property tax, by separate charge for waste collection and disposal based on the Municipality's actual costs per cart and per unit collection costs; and 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 (*Municipal Government Act, Section 75-5*) on real property and may be collected, together with pre-judgment interest from the date due, in the same manner as a tax.

Solid Waste Containers

11. 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:

- (1) food scraps and spoiled or waste food shall be stored in organics carts or compost bins in other 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;
- (2) organics carts, compost bins 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) recyclable material 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.

INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL SECTOR (IC&I)**Industrial, Commercial, Institutional Solid Waste Disposal**

12. Subject to subsection (2) of this section, owners and occupants of properties in the IC&I Sector which generate the following waste shall, either personally or by employees, contractors or agents and in compliance with all applicable federal, provincial and municipal laws, remove and dispose of such waste at their own expense.
13. The Municipality may provide collection of solid waste to the ICI sector on such terms and conditions as Council may determine by resolution and may, in such contract, vary any of the limitations or restrictions applicable to general municipal collection as set out herein.
14. The property owner of a property in the ICI sector shall ensure that:
- (1) adequate space is provided on the property to accommodate containers for the collection of source separated residual waste, organic materials and recyclable materials generated at the property;
 - (2) where food is consumed on site, receptacles are present to accommodate the collection and separation of residual waste, organic material, and recyclable materials for people disposing of such material;
 - (3) signage clearly defined for the sorting of recyclables, organic materials and residual waste is located within 3 meters of the receptacles and;
 - (4) where industrial, commercial or institutional properties have a chute, signage is posted on every floor where access to a chute is provided to instruct tenants as to the location of commercial

containers for residual waste, recyclables, and organic materials.

15. The occupant of ICI sector property shall:

- (1) source separate all waste generated in the occupant's unit or portion of the building at the point of generation into residual waste, organic material, and recyclable material, so as to comply with provincial disposal bans and to facilitate their recycling, composting, or disposal in accordance with the municipality's waste resource management system; and
- (2) place for collection source separated material in containers in accordance with this section at the storage areas on the property as designated by the property owner.

Commercial Containers

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

- (1) is sturdily constructed of weather-proof and animal-proof material, and is capable of containing the material deposited within;
- (2) has displayed thereon the name and telephone number of the owner of the container and the type of material to be deposited therein;
- (3) has displayed thereon the following message "GARBAGE" or "WASTE" where residual waste is to be deposited in the commercial container;
- (4) has displayed thereon the following message "ORGANICS" where organic materials are to be deposited in the commercial container;
- (5) has displayed thereon the following message "RECYCLABLES" where recyclables are to be deposited in the commercial container;
- (6) where it is not possible to display the appropriate messages as outlined in this subsection directly on the commercial container, then appropriate signage shall be posted within 3 metres of the commercial containers with the message indicating the materials to be deposited therein,
- (7) any message required by this section shall use lettering that is not less than 10 centimetres in height and 4 centimeters in width;
- (8) is equipped with a lid with a positive closing device which shall be kept closed except when the container is being loaded or unloaded;
- (9) is cleaned regularly and periodically, as necessary to avoid the build-up of odours; and
- (10) where tenants are required to place materials in the container, the container shall be designed and situated to be reasonably accessible for this purpose;

17. The owner of any premises on which a commercial container is placed shall ensure that:

- (1) where possible, any such container is kept behind or beside the building which it serves;
- (2) if kept in front of the building due to lot size and/or property configuration, such container is located at least six (6) meters from the front property line;
- (3) any such container is reasonably screened so as not to be visible from any street; and
- (4) any such container is kept in a manner that is not unsightly and does not cause a nuisance or health related problem.

18. No person shall place a commercial container on any public street within the Municipality without the written permission of the Municipality Engineer.

19. The owner of any premises upon which a commercial container is located shall be responsible to:

- (1) keep the area surrounding any such container free from litter and waste;
- (2) cause any such container to be emptied at least once in every seven (7) days or more frequently if the container becomes filled before the seven day period elapses unless the material is of a nature such that longer storage will not cause a nuisance or health related problem (e.g. dry or inert type materials, recyclable material or scrap metals)

- (3) ensure that any such container is loaded uniformly and is loaded such that waste material is completely contained within the container when closed.
20. The owner of any industrial, commercial, or institutional premises shall ensure that commercial containers on the premises:
- (1) accommodate source separated waste generated at that location;
 - (2) are designed and constructed such that the waste (residual waste, organic materials, recyclable materials) remain in a source separated condition; and
 - (3) are easily accessible to the occupants.
21. The owner of any ICI sector premises may make use of aerated organics containers specifically designed and approved for the storage and collection of source-separated organic materials from industrial, commercial or institutional premises provided the owner complies with the other applicable requirements of this Section.
22. Bulk commercial containers used during construction or repair work need not comply with paragraphs [12. (1) (v.) and [12. (2)] of this by-law for a temporary period of not more than six (6) months or until the completion of the construction or repair work, whichever is sooner.

Where an inspection is required or conducted pursuant to this by-law;

- (1) the By-Law Officer may enter in or upon land or premises at a reasonable time without a warrant:
- (2) except in an emergency, the By-Law Officer shall not enter a room or place actually being used as a dwelling without the consent of the owner or occupier, unless the entry is made in daylight hours and written notice of the time of the entry is given to the owner or occupier at least twenty-four hours in advance; and
- (3) where a person refuses to allow the inspector to exercise, or attempts to interfere or interferes with the By-Law Officer in the exercise of a power granted pursuant to this by-law, the By-Law Officer may apply to a judge of the Supreme Court of Nova Scotia for an order,
 - i. to allow the By-Law Officer entry to the building,
 - ii. restraining a person from further interference; and
 - iii. to recover all costs associated with any such order.

Solid Waste Collectors

23. No person shall engage in the business of collection or transporting solid waste to a solid waste management facility in the Municipality unless the person holds a current Collectors License from the Municipality for that purpose, obtained or renewed before January 1 in each calendar year.
24. The application for a Collectors License shall be made in writing, in duplicate, on such form as may be specified by the Solid Waste Administrator 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 Municipality;
 - (3) a description of the types of solid waste for which a Collector License is sought;
 - (4) an annual license fee as set by the Municipality's Fees Policy.
25. 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 Administrator or as listed in tender documents;
 - (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 an operator with a valid operator's 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:
 - (i) must be equipped with a tailgate or other restraining device which shall be closed while the vehicle is in motion;
 - (ii) must be equipped with a cover, tarpaulin or other adequate protective device to prevent littering during collection or transportation of solid waste; and
- (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.

26. 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 By-Law;
- (2) haul in separate loads of solid waste collected in different municipal units
- (3) comply with the provision of this By-Law, including but not restricted to those concerning the placement or deposit of solid waste at municipal solid waste management facilities;
- (4) attend courses or training seminars, as stipulated from time to time by the Solid Waste Administrator regarding the collection and transportation of solid waste, the use of solid waste management facilities and the public education of solid waste generators; and
- (5) comply with any directives or restriction 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 Administrator from time to time;

27. The Solid Waste Administrator may refuse to issue or renew or may revoke or suspend a Collectors License for breach of this by-law or of the terms or conditions of a License. The Solid Waste Administrator may suspend a Collectors License on reasonable and probable grounds without hearing or notice in the event of a willful breach of this by-law or a loss or apparent loss of vehicle/driver licensing, registration of 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 Council after convening a hearing to the applicant or Licensed Collector by registered mail or personal service.

Prohibitions

- 28.** No person shall export or remove solid waste material generated within Municipality outside the boundaries of Cumberland County and all such solid waste shall be disposed of within the boundaries of Cumberland County and in accordance with this by-law.
- 29.** For the purpose of the premises section, solid waste means solid waste materials, including but not limited to, residual waste, industrial/commercial/institutional waste, construction and demolition waste, mixed waste, and organic materials, but does not include recyclable materials from ICI sector premises, pathogenic or biomedical waste, or hazardous waste, materials.
- 30.** It is the policy of the CJSMA that all materials brought for disposal to the Cumberland Central Landfill are source separated at the time of generation as per Section 3 of this by-law.
- 31.** 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 items of solid waste.
- 32.** No person shall remove material from the Cumberland Central Landfill without permission from Cumberland Joint Services Management Authority.
- 33.** Loads entering the Cumberland Central Landfill site will be inspected. Waste Haulers and Generators are advised that CJSMA reserves the right to reject non-compliant loads or portions of loads and to recover additional waste management cost incurred due to the improper disposal of non-compliant materials by Haulers and/or Generators. Evidence that solid waste deposited or placed in contravention of this by-law originated from a particular person shall, in the absence of evidence to the contrary, be prime facie evidence that the person so deposited or placed it, or caused or permitted it to be so deposited or placed.

In the event materials are not in compliance with regulations for disposal at the site not identified by the site owners and operators until dumping of the materials has commenced or has been concluded, the collector and the originator of such materials shall be responsible to immediately remove the non-compliant materials from the site.

Any Waste Hauler/Generator disposing of Solid Waste at the Cumberland Central Landfill must provide a manifest upon request.

Enforcement and Penalty

34. Evidence that solid waste deposited or placed in contravention of this by-law originated from a particular person shall, in the absence of evidence to the contrary, be prima facie evidence that the person so deposited or placed it, or caused or permitted it to be so deposited or placed.

35. Any person who contravenes any provision of this by-law is punishable on summary conviction by a fine of not less than \$200 and not more than \$5000 and to imprisonment of not more than 60 days in default of payment thereof.

Each day that a person commits an offence under this by-law constitutes a separate offence.

36. On the effective date of this By-Law all previous Solid Waste By-Laws of the Municipality are repealed.

<u>Clerk's Annotation For Official By-Law Book</u>	
Date of first reading: <u>March 7, 20</u>	
Date of advertisement of Notice of Intent to Consider: <u>Thursday, March 15, 20</u>	
Date of final reading: <u>Wednesday, April 4, 20</u>	
*Date of advertisement of Passage of By-Law	
Date of mailing to Minister a certified copy of By-Law	
I certify that this SOLID WASTE BY-LAW was adopted by Council and published as indicated above.	
Municipal Clerk	Date
*Effective Date of the By-Law unless otherwise specified in the text of the By-Law	

MOTION CARRIED #12-045

7. **Delegations and Presentations**

7.1 **Introductions – Fire Inspectors** - Director of Planning and Development, Penny Henneberry introduced Mr. Bill Crossman, and Mr. Mark Goodwin, employees of the Town of Amherst, who will be providing Fire Inspection Services for the Municipality of Cumberland in the coming months.

7.2 **EDF EN Canada (A Renewable Energy Developer)** – On hand were Mr. Kevin Campbell and Mr. Stephane Desdunes from EDF EN Canada and Daniel LeBlanc of Preneal Canada and John Atkinson.

Mr. Desdunes gave background of EDF EN Canada and their subsidiaries. Mr. Desdunes explained the Operations and Maintenance of the Company, their Market Philosophy and spoke of the Development Team of Preneal Canada. Council was advised of the Project Area and the anticipated Project timeline, which would see operation in 2015.

Council was apprised of the accomplishments of EDF EN Canada, to date, and their upcoming activities. Mr. Desdunes advised that where possible they will create local jobs using local people, will strive to have local procurement of materials, provide lease income for landowners and a new tax base for municipal governments.

To recap, EENC is a reputable company, with world class experience from development to O&M of wind energy facilities; they have a strong balance sheet and significant presence in Canada; are committed to comprehensive stakeholder consultation, committed to maintaining dialogue with Cumberland County and in developing a 50 MW wind project near Amherst for entry into the current Nova Scotia Renewable Energy RFP for Independent Power Producers.

Warden Hunter thanked the gentleman for their presentation.

8. **Correspondence**

Correspondence circulated to Council included a Thank You from the International Women’s Day Committee for funding for the annual luncheon and a letter of support from the Parrsboro Regional Elementary/High School for the DARE Program.

9. **Planning Issues**

This item was deleted.

10. **Strategic Planning**

10.1 **Fire Service Strategic Plan** – Ms. Henneberry advised that the Fire Services Strategic Planning Committee met 26 March 2012 to provide final review and comment regarding the submitted RFP documents. The RFP submission deadline was 9 March 2012 and the committee received the submissions 12 March 2012.

In total there were 10 submissions and they ranged in price \$29,550.00 to \$98,823.00. The committee scored the submissions based on several factors:

- Relevant knowledge of fire service operations
- Direct experience in the research and facilitation of fire service reviews
- Overall completeness and understanding of the scope of the project
- References of the firm (positive response required)
- Confidence that the price breakdown will result in best value to the Municipality
- The methodology to be used in planning process
- Confidence that the schedule of completion is reasonable and attainable
- Diversity of expertise to satisfy all work components

The financial limit of the project approved by Council was \$50,000 and the top candidate still met this criteria.

Based on a thorough review, the Steering Committee forwards **Stantec Consulting Ltd** as the successful bidder of the Strategic Planning RFP (\$49,455.00 plus HST) and would like Council's approval of the recommendation so that they can proceed with the project.

IT WAS MOVED by Councillor Kellegrew, seconded by Councillor Reid that Council approve Stantec Consulting Ltd to carry out the Strategic Fire Services Review for the amount of \$49,455 plus HST.

MOTION CARRIED #12-046

11. **Financial Reports/Issues**

11.1 **Budget** – Director of Finance, Mr. Andrew MacDonald, advised that a budget meeting will be held on Wednesday, April 18, 2012.

11.2 **Nova Scotia International Ferry Partnership** – Correspondence was received requesting funding for a new initiative to assist with the NS-USA Ferry Service reinstatement.

IT WAS MOVED by Councillor Donkin, seconded by Councillor Kellegrew to provide \$500 to the initiative being undertaken to ensure that the NS-USA Ferry Service be reinstated.

MOTION CARRIED #12-047

11.3 **Community Development Grants** – Recreation and Physical Activities Coordinator, Vicki Weaver advised of the following requests:

Amherst & Area Girl Guides Spring Fair – The fair is hosted on Saturday, May 5th at Trinity St Stephens United Church in Amherst. Sparks, Brownies, Guides and Pathfinders will serve hot and cold beverages, snacks, and toasties. There will be craft tables, door prizes, gift baskets, handmade goodies, and games. The profits from this annual fundraiser will go towards the end of year camping and craft supplies. Any donation would be appreciated.

Community	District	Youth
Brookdale	2	4
Nappan	2	6
Leicester	7	4
Hastings	2	3
Warren	3	1
Fort Lawrence	1	2
Tyndal Road	3	1
TOTAL		21

District 1	2	\$60
District 2	13	\$390
District 3	2	\$60
District 7	4	\$120

UPDATE: Council agreed at the March 21st Council meeting to fund this group with \$30/ County youth. That makes the total \$630.

Tidnish Trails Committee (Tidnish Crossroads & Area Community Association): This group is looking to create and maintain a usable trail system in the Tidnish community that will link them to other community trails and allow members from within and from outside their community to have safe and appropriate areas of travel. According to the group asking local snowmobilers, many of them do not travel to Tidnish because there is no safe and easy access to gas. Phase one of their plan would include making the area from the Green Road to the store more accessible in a safe manner. They have identified a number of volunteers that have offered to clear a path, and they will need to hire a grader machine. Phase two would be to create a trail further down the shore linking into the Oxford trail system. The trail system will be multi-use. Their expenses total \$15,325 and revenue is estimated at \$7,000. They are requesting **\$1,000-\$2,000** in funding to help complete phase one, and any reserves would be held and applied for phase two.

They have also applied for funding with our Grants to Organizations, although they have not applied anywhere else yet.

Warden Hunter recommends that \$2,000 be granted from the District 3 Community Development funds.

Parrsboro & Area Canada Day Fireworks Committee: This group attempts to raise \$5,000 for a suitable fireworks display. They have approached Canadian Heritage, the Town of Parrsboro and have also undertaken a letter writing campaign to local businesses for their support. They are requesting **\$500** from Council. We funded this group last year for \$500 (\$300 district 8 and \$200 district 10).

Councillor Gilbert recommends that \$300 be debited from District 8 Community Development funds.

Councillor Merriam recommends that \$200 be debited from District 10 Community Development funds.

2nd Annual Age of Sail Marathon: Last year's inaugural event had 61 runners from five provinces and three countries pass through six Cumberland County destinations. Many more visitors spent at least 2-3 days in the area as a result of the Age of Sail Marathon. The marathon winner was from PEI but local runners came first in two of the events. This year an increase is expected in the number of participants, and they would like to have the route officially measured (to be a qualifying run for the Boston Marathon it must be officially measured) and eventually offer chip timing. They already have registrants from Mexico, Maine and Manitoba for this year's race! They will offer walk/run distances of 5km, 10km and a half marathon as well as a full marathon run between Port Greville and Parrsboro on August 12th. Any profits will be shared among the local fire halls and community organizations. We funded last year's marathon for \$1,500. They are requesting **\$1,500** again for 2012.

Council agreed to fund \$150 from each District

Maccan Royals: They are looking for funding to help with the upkeep of the Maccan ballfields, cenotaph, clubhouse & Maccan cemetery. The costs are for power and the lawn upkeep (gas, tune-up, repairs/ service of the mower). They are requesting **\$1,500**. We have funded this group in the past (2011 for \$2,500, 2010 for \$2,000).

Councillor Kellegrew recommends that \$1,000 be debited from District 2 Community Development funds and Councillor Reid recommends \$500 from District 9 Community Development Funds.

Parrsboro D.A.R.E. Program: D.A.R.E. provides many tools to our students, and complements a variety of areas in the curriculum. The local R.C.M.P. members have gone above and beyond to work with the students and the school. The school is now canvassing locally for financial support to help pay for the costs necessary to offer this program. They have sent out letters to six local groups (including Council) and have not heard back from any yet. Their costs will run between \$700-\$800 and they are asking for any financial support possible to enable them to offer this valuable program again this year. Our teaching staff donates each year to help defray costs and provides organization, refreshments as well as special touches for the D.A.R.E. culmination Exercises.

Councillor Gilbert recommends that \$100 be debited from District 8 Community Development funds.

Councillor Merriam recommends that \$100 be debited from District 10 Community Development funds.

IT WAS MOVED by Councillor Reid, seconded by Councillor Kellegrew, to approve the following recreation grants:

Amherst & Area Girl Guides – Spring Fair	District 1	\$60
	District 2	\$390
	District 3	\$60

	District 7	\$120
Tidnish Trails Committee	District 3	\$2000
Parrsboro & Area Canada Day Fireworks	District 8	\$300
	District 10	\$200
2nd Annual Age of Sail Marathon	All Districts	\$150/ea
Maccan Royals	District 2	\$1000
	District 9	\$500
Parrsboro D.A.R.E. Program	District 8	\$100
	District 10	\$100

MOTION CARRIED #12-048

12. Operational Services/Reports Issues

12.1 Nappan School Easement – Director of Public Works, Robert Streach advised that following the province of Nova Scotia’s declaration in 2005 that the Jonathan McCully School was surplus, the Municipality proceeded to divest interest in the property. The initial risk assessment identified the school utilized a small mechanical treatment plant for sewage treatment and disposal. The Municipality had operated this sewage treatment facility under contract and were aware of several major deficiencies. As such, the treatment plant was decommissioned and the divestiture Request for proposals clearly stated the facility was being sold without a sewage treatment system.

The easement referenced in the March 14, 2012 letter from Mike Green is associated with the outfall pipe from that decommissioned treatment plant. The divestiture process clearly identified that the property was not serviced by any sewage treatment facility therefore I recommend that the Municipality release any interest in the easement associated with PID#25065459.

IT WAS MOVED by Councillor Kellegrew, seconded by Deputy Warden Read to release any interest in the easement associated with PID #25065459 and to authorize the Warden and CAO to execute said Release.

MOTION CARRIED #12- 049

12.2 Green Cart Deliver – Mr. Cottingham advised that delivery of Green Carts is approximately 5 to 10 days behind schedule.

12.3 Fire Apparatus – Ms. Henneberry, Director of Planning and Development advised that the Tidnish Volunteer Fire Department is requesting funds to assist with the purchase of a rescue vehicle. The Department has fund raised approximately \$20,000 for this item and are requesting an additional \$20,000 from the Municipality.

IT WAS MOVED by Councillor Reid, seconded by Councillor Kellegrew to match funding up to a max of \$20,000 for the Tidnish Fire Department to purchase a rescue vehicle.

MOTION CARRIED #12-050

13. Committee/Other Reports

This item was deleted

14. Old Business

14.1 Personnel Policy – **IT WAS MOVED by Councillor Merriam, seconded by Councillor Redmond to approve the Personnel Policy, which saw changes to the following section:**

66. Permanent full time employees and probationary employees shall be entitled to vacation in accordance with the following schedule:

- (1) 1.25 days per month up to and including the sixth year of employment calculated from the employee’s commencement date,**
- (2) 1.67 days per month from the commencement of the seventh year of employment and up to and including the thirteenth year, and**
- (3) 2.083 days per month from the commencement of the fourteenth year of employment up to and including the twentieth year, and 2.5 days per month from the commencement of the twenty first year and henceforth.**

MOTION CARRIED #12-051

15. New Business

15.1 Appointment of Fire Inspector – Ms. Henneberry, Director of Planning and Development, advised that as per previous reports to Council, Fire Inspection Services will be undertaken via

contract through the Town of Amherst Fire Department until such time as we are able to undertake the services internally. There is a requirement for the Municipality to formally appoint, through a motion of Council, the position of Municipal Fire Inspector.

IT WAS MOVED by Councillor Redmond, seconded by Deputy Warden Read, that pursuant to Section 19(1) (b) of the Province of Nova Scotia *Fire Safety Act*, that Jim Triff be removed from the record as Municipal Fire Inspector and that William (Bill) Crossman and Mark Goodwin be formally appointed as the Municipal Fire Inspectors for the Municipality of the County of Cumberland in order to conduct fire inspections and to educate and encourage persons and communities to apply the principles of fire safety so as to prevent fires, preserve human life and avoid unwarranted property loss due to the destructive forces of fire by administering the National Fire Code of Canada, the National Building Code of Canada and any legislation pertaining thereto.

MOTION CARRIED #12-052

- 15.2 Provincial Voters List – **IT WAS MOVED by Councillor Redmond, seconded by Councillor Reid to use the Provincial Voter’s List for the 2012 Municipal Election.**

MOTION CARRIED #12-053

16. **Information Items**

- 16.1 Joggins Fossil Institute – 2010/2011 Year In Review - Provided as information.

17. **Adjournment**

On motion the meeting adjourned at 1:53 p.m.

18. **God Save the Queen**

Warden Keith Hunter

Municipal Clerk Brenda Moore