

By-Law-Respecting Solid Waste Collectors

General

1. This By-Law may be cited as the "Solid Waste Collectors By-Law."
2. In this By-Law:
 - a. "Attendant" means a person employed by CJSMA or under contract with the Municipality to operate a Municipal Solid Waste Management Facility;
 - b. "CAO" means the Chief Administrative Officer of the Municipality;
 - c. "CJSMA" means Cumberland Joint Services Management Authority;
 - d. "collectors licence" means a licence approved by the Municipality and issued to a person who engages in the collection, storage or transportation of solid waste for gain or profit;
 - e. "Collector" means a person licensed pursuant to this By-Law to collect, store or transport solid waste in the Municipality, and includes a person whose license has been suspended;
 - f. "Cumberland Central Landfill" means the solid waste processing and disposal complex operated by the CJSMA at Little Forks which includes a sanitary landfill, a recycling plant, a composting plant, a metal salvage area and a construction and demolition debris disposal area;
 - g. "designated facility" means a Municipal Solid Waste Management Facility designed and approved to accept solid waste as set out in the Municipality's Policy Respecting Designated Solid Waste Management Facilities;
 - h. "ICI" means Industrial, Commercial or Institutional, and refers to a type of waste generating establishment;
 - i. "Municipality" means the Municipality of the County of Cumberland;
 - j. "Municipal Solid Waste Management Facility" or "Facility" means a Municipal Transfer Station or the Cumberland Central Landfill;
 - k. "person" means any individual, partnership, corporation or cooperative;

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- l. "RRFB" means the Resource Recovery Fund Board;
- m. "Transfer Station" means a Municipally owned transfer station and includes the transfer stations located at or near Advocate, Crossroads, Greenville, Pugwash, River Hebert, Southampton, Wallace and Wentworth; and
- n. other words have the same meaning as defined in the Solid Waste By-Law.

Solid Waste Administrator

3. The Chief Administrative Officer may appoint a Solid Waste Administrator who shall have the duties, responsibilities and powers as detailed below, but in general shall be responsible for the implementation and enforcement of this By-Law, Municipally owned or operated waste management facilities, the supervision of contracted collection services and any other duties and responsibilities the Chief Administrative Officer considers appropriate.

Solid Waste Collectors Licence

4. No person shall engage in the collection, storage or transportation of solid waste for gain or profit in the Municipality, unless they are licensed pursuant to this By-Law.
5. Where the Municipality reasonably believes that a person is engaged in the collection, storage or transportation of solid waste for gain or profit, and is doing so without a Collectors Licence, the Municipality may require the person to obtain a Collectors Licence, or in the alternative, to provide satisfactory evidence that they are not receiving any gain or profit in connection with the collection, storage or transportation of solid waste.
6. Where, because of the volume, type or other characteristics of the solid waste in question, an Attendant reasonably believes that a person seeking to dispose of solid waste is engaged in the collection, storage or transportation of solid waste for gain or profit without a Collector's Licence, the Attendant may refuse to allow the person to dispose of solid waste at the Facility, until permission has been granted by the Solid Waste Administrator.
7. Subject to section 8, Collectors Licences expire at midnight on December 31st of each year.
8. A Collectors Licence issued after December 1 shall expire on December 31st of the following year.

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9. Applications for a Solid Waste Collectors Licence, or renewal of licence shall be made in writing on such form as may be specified by the Solid Waste Administrator from time to time, and signed by the person applying.
10. Every application for a Solid Waste Collectors Licence or renewal of licence shall include the following information:
 - a. the name, address and phone number of the applicant;
 - b. the provincial motor vehicle registration number and description by make, model and year of all vehicles to be used by the applicant in connection with the collection or transportation of solid waste in the Municipality of Cumberland;
 - c. a description of the types of solid waste for which a Collectors Licence is sought; and
 - d. an annual licence fee of \$100.00.
11. Collectors must notify the Solid Waste Administrator in writing immediately upon any change to the information required by section 10 of this By-Law.

Refusal to Issue or Renew or Suspension of Collectors Licence

12. The Solid Waste Administrator may refuse to issue or renew or may suspend a Collectors Licence for up to 1 year, without notice for the following reasons:
 - a. breach of this By-Law;
 - b. breach of the Solid Waste By-Law;
 - c. failure to comply with the Policy Respecting Solid Waste Disposal Facilities;
 - d. breach of the terms or conditions of a Collectors Licence;
 - e. failure to attend information training sessions; or
 - f. if the Collector loses their drivers licence or relevant vehicle registration or insurance.
13. Where the Solid Waste Administrator refuses to issue or renew a Collectors Licence, or suspends a Collectors Licence pursuant to section 12 of this By-Law, the Solid Waste Administrator must provide the applicant or collector with written reasons for the decision within 7 days.

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14. An applicant or Collector may request official review of a decision made pursuant to section 12 by written application to the Solid Waste Administrator. A written application for official review must include a response to the reasons provided by the Solid Waste Administrator pursuant to section 13, and an explanation of the steps the applicant or Collector has taken or intends to take to remedy and prevent recurrence of the condition. Within 7 days of receiving the written application by the applicant or Collector, the Solid Waste Administrator shall issue or reinstate the licence with or without conditions, or shall refer the matter to the CAO. A copy of all materials provided to the CAO shall be made available to the applicant or collector. The CAO shall give the applicant or Collector an opportunity to make additional representations and shall determine whether the licence should be issued or reinstated, with or without conditions. The CAO shall apply the principles of Natural Justice and shall supply reasons for his or her determination. An applicant or Collector whose licence is not issued or reinstated by the CAO shall not reapply for a period of one year or such shorter time as the CAO may direct. The decision of the CAO shall be final.

Collection Vehicles

15. All vehicles used by Collectors shall:
- a. At all times be maintained in good condition and be properly staffed and equipped to ensure safe collection of solid waste;
 - b. be registered under the *Motor Vehicle Act* and shall comply with all provisions of that Act or any other applicable statute or regulation in effect from time to time, and proof of registration and safety inspection must be presented at the time of application for collectors licence;
 - c. be insured for third party liability for not less than \$2,000,000;
 - d. be driven by operators with valid operators' permits of the requisite class for that type of vehicle;
 - e. be designed and utilized to prevent solid 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; and
 - ii. must be equipped with a cover tarpaulin or other adequate protective device to prevent littering during collection or transportation of solid waste;

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- f. if used for 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; and
- g. display the name of the Collector or collection company in characters not less than 10 cm in height on both sides of the vehicle.

Collectors

- 16. Collectors must comply with the provisions of this By-Law, including but not limited to those concerning the placement or deposit of solid waste at designated solid waste facilities.
- 17. Collectors must refuse collection of solid waste that is not separated or otherwise placed for collection in accordance with the requirements of this By-Law, the Solid Waste By-Law, the Municipality's current Solid Waste Guide and the rules and regulations of the CJSMA.
- 18. Collectors or their representative are required to attend all information sessions provided by the Municipality regarding the collection and transportation of solid waste, the use of solid waste management facilities and public education of solid waste generators.
- 19. The Solid Waste Administrator may issue directives intended to all or facilitate the efficient operation of Facilities and uninterrupted service to the general public. Collectors must comply with all such directives, including but not limited to:
 - a. restrictions on collection routes;
 - b. restrictions on the date and time of collection;
 - c. restrictions on the date and time of disposal; and
 - d. prohibitions relating to the use of one or more Facilities.
- 20. The Municipality will provide Collectors with stickers or identifiers to indicate the validity of the Collectors Licence. All Collectors shall clearly display all stickers or identifiers, or other information required by the Solid Waste Administrator from time to time, on the side of all vehicles identified pursuant to section 10.
- 21. Collectors shall keep a record of collection routes, including all customers and days of collection, and shall provide such information to the Solid Waste Administrator at the time of application for Collectors Licence and upon request by the Solid Waste Administrator from time to time.
- 22. In the event of any spillage during collection or transportation of solid waste, the vehicle operator shall be responsible for the clean up which shall be undertaken immediately.

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23. Solid Waste collected outside the Municipality shall not be hauled or mixed with waste collected within the Municipality.
24. Collectors shall be responsible for tipping fees, per bag fees, or other applicable fees set by Council by policy, and charged at Municipal Transfer Stations and the Cumberland Central Landfill.

Designated Facilities

25. Solid waste generated or having its origin in the Municipality and collected by a Collector must be disposed of in accordance with the Municipality's Policy Respecting Designated Solid Waste Management Facilities, the rules, regulations and requirements of the CJSMA and those of the designated facilities.
26. Collectors shall be responsible for any applicable tipping fees and all fines, levies, surcharges or penalties including differential tipping fees for waste taken to a Facility. In the event any such costs are billed to the Municipality, the Municipality shall be reimbursed immediately by the Collector, whose licence shall be suspended at least until payment is made.

ICI Waste

27. Only ICI establishments in Municipal Districts 5, 6, 8, 9 and 10 are permitted to use the services of a Collector to dispose of waste at a Municipal Transfer Station.
28. ICI generated waste collected by Collectors must be hauled separately from residential waste to a designated facility except as may be expressly authorized in writing by the Solid Waste Administrator.
29. ICI waste taken to any Municipal Transfer Station must be bagged in clear, non coloured, waterproof bags not exceeding 16 kilograms each and may not be mechanically or otherwise compacted.
30. Collectors shall not collect, or dispose of cardboard boxes at any Municipal Transfer Station, unless the boxes are broken down and flattened before disposal.
31. ICI waste hauled to the Cumberland Central Landfill shall be subject to tipping fees which shall be the responsibility of the hauler.
32. ICI waste hauled to a Municipal Transfer Station by a Collector shall be subject to tipping fees as set out in the Municipality's Policy Respecting Solid Waste Disposal Fees. These fees shall be paid by the Collector to the Municipality.

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33. The Municipality reserves the right to require that any ICI generated waste be taken to a particular municipal solid waste management facility, and to limit the times and days such waste may be accepted at a facility. Such restrictions may be changed from time to time by the Solid Waste Administrator.

Construction and Demolition Waste

34. Construction and demolition waste must be hauled separately from residential and ICI waste to a designated facility, except as may be expressly authorized in writing by the Solid Waste Administrator.
35. Collectors shall be charged a tipping fee on C&D waste if required by the Municipality's Policy Respecting Solid Waste Disposal Fees.
36. The Municipality may require that Collectors take C&D waste to a particular designated waste facility, and to limit the times and days such waste may be accepted at a facility. Such restrictions may be changed from time to time by the Solid Waste Administrator.

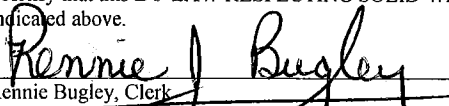
Penalties

37. In any prosecution for an offence under this By-Law, 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 can establish that he or she acted with due diligence and that the offence was committed without knowledge or consent.
38. Where a corporation, partnership or cooperative commits an offence under this By-Law, any officer, director or partner who directed, authorized, assented to, acquiesced in or participated in the violation of this By-Law is guilty of the offence and is liable to the punishment provided for the offence, whether or not the corporation, partnership or cooperative has been prosecuted.
39. Any person who violates any provision of this By-Law is guilty of an offence and shall be liable upon summary conviction of a penalty of not less than \$300 and not more than \$10,000.
40. Where an offence under this By-Law is committed or continued on more than one day, the person who committed the offence is liable to be convicted for a separate offence for each day on which the offence is committed or continued.
41. Any person who violates any provision of this By-Law and who is given a Notice of the By-Law Violation by the Municipality's By-Law Enforcement Officer in accordance with the Municipality's Payment in Lieu of Prosecution Policy, may pay to the

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Municipality, at the place specified in the Notice, the sum of \$200 within 14 days of the date of Notice and shall thereby avoid prosecution for that contravention.

42. No person shall be convicted of an offence under this By-Law if the person established that he or she:
- exercised due diligence to prevent the commission of the offence; or
 - reasonably and honestly believed in the existence of facts that, if true, would render the conduct of that person innocent.
43. The Municipality of the County of Cumberland By-Law 96-02, Solid Waste Collectors By-Law is repealed as of the effective date of this By-Law.

<u>Clerk's Annotation For Official By-Law Book</u>	
Date of first reading:	<u>September 20, 2006</u>
Date of advertisement of Notice of Intent to Consider:	_____
Date of final reading:	<u>October 25, 2006</u>
*Date of advertisement of Passage of By-Law:	<u>January 10, 2007</u>
Date of mailing to Minister a certified copy of By-Law:	<u>January 11, 2007</u>
I certify that this BY-LAW RESPECTING SOLID WASTE COLLECTORS was adopted by Council and published as indicated above.	
 Rennie Bugley, Clerk	<u>January 11, 2007</u> Date
*Effective Date of the By-Law unless otherwise specified in the text of the By-Law	