

**Valley Region  
Solid Waste-Resource Management Bylaw**

*February 15, 2012*

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## 1.0 DEFINITIONS

In this Bylaw:

- 1.1 **“Authority collection”** means collection of solid waste by or on behalf of the Authority from waste generators pursuant to this Bylaw and any Directives issued by the Authority pursuant to this bylaw.
- 1.2 **“boxboard”** means cereal, shoe, tissue, detergent, cracker, cookie, baking product and 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 **“collection cart”** or **“cart”** means a cart supplied by the Authority for the storage of source-separated solid waste such as an aerated cart for the collection of organic materials.
- 1.5 **“collection containers”** means bags, garbage cans or other containers approved in any Directive issued by the Authority regarding collection containers.
- 1.6 **“compostable organics”** or **“organics”** means food waste, leaf and yard waste, soiled and non-recyclable paper, branches and bushes, natural Christmas trees without decorations and stands and other material of plant or animal origin as set out in any Directive issued by the Authority.
- 1.7 **“construction and demolition waste”** 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, concrete, drywall, plaster, cellulose, fibreglass fibres, lumber, wood, asphalt shingles, and metals.
- 1.8 **“dispose”** includes the actions of dumping, abandoning, placing or leaving or the causing or permitting of any of these actions with respect to any solid waste on any property anywhere within the Region.
- 1.9 **“eligible premises”** means those properties within the jurisdiction of the Authority, which are eligible for Authority collection as set out in any Directive issued by the Authority.
- 1.10 **“food waste”** means fruit and vegetable peelings, 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 the Valley Region Solid Waste-Resource Management Authority, the successor to such position, or a person designated by the Manager to act in place of the Manager.
- 1.12 **“hazardous waste”** means solid or liquid 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 and pesticides.

- 1.13 “household hazardous waste” or “HHW”** means hazardous waste materials generated in households including, but not restricted to, solvents, glues, cleaners, paints and finishes, asphalt sealers, gasoline, diesel, kerosene, pesticides, lawn and garden chemicals, poisons, propane tanks, roofing tar, pool chemicals, lubricating oil, batteries, and automotive fluids. For the purposes of this bylaw, household hazardous waste does not include PCBs, radioactive materials, explosives, fireworks, pathological wastes, and ammunition.
- 1.14 "industrial/commercial/institutional waste" or "IC&I waste"** means solid waste generated by, from or within any **IC&I** premises.
- 1.15 "IC&I premises"** means a lot of land occupied by one or more industrial, commercial or institutional establishments and **“IC&I”** has an equivalent meaning.
- 1.16 "leaf and yard waste"** means grass clippings, leaves, brush, twigs, house and garden plants, sawdust and wood shavings and other similar items.
- 1.17 "mini-bin"** means a small container supplied to eligible premises by the Authority for the collection of organic materials prior to deposit in an organics collection cart.
- 1.18 “occupant”** means anyone who occupies property, including lands or buildings, and includes anyone who is a tenant, lessee, roomer, subtenant, under-tenant or co-tenant, or who otherwise occupies or has occupied land or buildings and his, her or their heirs and assigns and legal representatives.
- 1.19 "oil tanks"** means residential oil tanks, cleaned and empty of all liquids to a maximum size of 900 litres.
- 1.20 “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, his, her and their heirs and assigns and legal representatives and, in the case of a corporation, the officers and directors of that corporation;
- 1.21 “public waste”** means solid waste generated in or on 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 arenas, office or other commercial premises, retail premises, private or public parks or campgrounds, and public event venues (inside or outside);
- 1.22 "recyclable materials"** means newsprint, corrugated cardboard, boxboard and other paper products, redeemable beverage containers, milk cartons, glass bottles and jars, steel/tin food cans, aluminum cans, aluminum foil plates, trays and wrap, high density polyethylene plastic containers (HDPE #2), low density polyethylene plastic containers (LDPE #4), and polyethylene terephthalate plastic bottles (PET #1), plastic bags (#2 and #4), stretch wrap

(pallet wrap) or other items set out in any Directive issued by the.

- 1.23 “residential premises”** means any house, dwelling, apartment, flat, tenement, mobile home, mobile home park, mobile home space or any property that is occupied or may be occupied by an individual as a residence or that part of any such place that is or may be occupied by an individual as a residence, and includes any such property or premises occupied by an owner and his or her or their family.
- 1.24 "residual waste" or "residuals"** means any solid waste remaining after diversion of recyclables, organics and hazardous waste.
- 1.25 "soiled and non-recyclable paper"** means 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 or such other items that may be set out in any Directive issued by the Authority.
- 1.26 “solid waste” and “waste”** have the same meaning as “municipal solid waste” in the Solid Waste-Resource Management Regulations made pursuant to the Environment Act namely garbage, refuse, sludge, rubbish, tailings, debris, litter and other discarded materials resulting from residential, commercial, institutional and industrial activities which are commonly accepted at a municipal solid waste management facility, but excludes wastes from industrial activities regulated by an approval issued under the Environment Act.
- 1.27 "source separated solid waste"** means solid waste which has been sorted and separated at the point of origin, to facilitate its reuse, recycling, composting or disposal and “**source separation**”, “**source separation of solid waste**” has the same meaning.
- 1.28 “special collection”** means an Authority collection for bulky items, leaves, yard waste and such other materials as may be set out in any Directive issued by the Authority.
- 1.29 “storage facility”** includes any container, receptacle, building, structure, enclosure or other facility capable of or intended to be or used for the temporary or long term holding or storage of solid waste and “storage” has the same meaning.
- 1.30 “Valley Region" or "the Region"** means the Valley Region as defined in the Nova Scotia Solid Waste-Resource Management Regulations and any amendments thereto.
- 1.31 “Waste-Resource Management Centre”** means a facility operated by the Authority for receiving, storing, sorting and shipping of solid waste.

## **2.0 AUTHORITY AND REGIONAL BYLAW**

- 2.1.** The **Valley Region Solid Waste-Resource Management Authority**, referred to in this Bylaw as “the Authority,” is a body corporate established pursuant to an Intermunicipal Services Agreement to which this municipality is a party. The municipal parties to that Agreement have given the Authority responsibility for the management of solid waste 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 Intermunicipal Services Agreement among the members of the Authority it is agreed to establish a Valley Region Solid Waste-Resource Management Bylaw for the efficient and consistent execution of the Authority's mandate throughout the Valley Region. Accordingly, this bylaw may make necessary or incidental references to places or facilities within the Valley Region that are outside of the geographical boundaries of this municipality and it is intended that any such references in this bylaw be construed and applied in a manner consistent with the provincially-mandated regional approach to solid waste-resource management.
- 2.3. The General Manager of the Authority is the chief administrator of the Authority and is responsible to the Authority for the proper administration of its affairs in accordance with provincial legislation and regulations and any Directive issued by, and plans approved and established by, the Authority. The General Manager shall be responsible for the overall administration and enforcement of the provisions of this Bylaw and any Directive or Order issued by the Authority pursuant to this Bylaw.
- 2.4 The Authority may by resolution issue Directives to supplement and assist with the better implementation of this bylaw and it is the intent of this Municipality that such Directives made by the Authority pursuant to the provisions of this bylaw shall be and shall become Directives of this 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 Authority may appoint a Bylaw Enforcement Officer to assist with the enforcement of this Bylaw.
- 2.6 For the purpose of the administration of this bylaw, the General Manager or the Bylaw Enforcement Officer, or an agent or employee of the Authority so designated by either of them, 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 or the Bylaw Enforcement 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 or Bylaw Enforcement 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 receipt of same is acknowledged.

- 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 or Bylaw Enforcement Officer pursuant to this bylaw.

### **3.0 PROHIBITIONS**

#### **3.1 Illegal Dumping of Solid Waste**

No person shall dispose of solid waste at any public or private place unless that place is duly licensed to receive and dispose of that particular category of solid waste.

#### **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 Burning of Solid Waste**

No person shall burn solid waste in the Valley Region in a barrel, stove or other device or in the open as a method of solid waste disposal, except for brush, tree limbs and milled wood that is free from adhesives, coatings and preservatives and, with respect to such products, only where such burning is permitted by law.

#### **3.4 Disposal of Banned Materials**

No person shall dispose of the following materials at any licensed solid waste management facility, or dispose of any such materials in a storage area, storage facility, or collection container, intended for residual waste disposal in an incinerator or landfill, 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 Authority**

Materials banned from time to time by the Authority 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 Valley Region.

- 3.6** Notwithstanding section 3.5, the Authority may export residual waste or unsorted solid waste to licensed facilities outside the boundaries of the Valley Region.

### **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 Authority 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.

## **4.0 SOURCE SEPARATION REQUIREMENTS**

**4.1** The Authority may by resolution issue Directives pertaining to source separation of solid waste and it shall be an offence to fail to comply with any such Directive.

**4.2** All solid waste being generated by or from any residential premises or any IC&I premises shall be source-separated in accordance with any Directive issued by the Authority and shall also comply with section 3.4 of this bylaw.

### **4.3 Public Waste**

The property owner and the occupier of any premises where public waste is generated shall provide common area containers designed to receive and accommodate the quantities of source separated solid waste generated on that site, as required by this bylaw or any Authority Directive issued pursuant to this bylaw, and shall ensure that such containers are accessible to the public, tenants, employees, visitors and occupiers of such premises.

## **5.0 AUTHORITY COLLECTION**

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

### **5.1 Collection Container Placement**

**5.1.1** Except where otherwise permitted by this bylaw collection containers shall be placed at roadside for collection as close as practical to the edge of the street or roadway, and in any event no further than five (5) meters from the travelled portion of the street or roadway to facilitate efficient unobstructed collection taking into consideration factors such as urban versus rural setting, winter snow clearing operations, ditches, brush, etc.



- 5.1.2** All solid waste placed for collection shall be placed in front of and on the same side of the street or roadway as the eligible premises from which it has been generated.
- 5.1.3** 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, the owner shall provide a storage facility for source-separated solid waste in an easily accessible location on the building property meeting the requirements of this bylaw, any Directive issued pursuant to this bylaw and other applicable municipal requirements. The Authority's collection contractor will collect solid waste from this location in accordance with Authority source-separation and collection Directives provided it is accessible when the collection truck arrives. If the storage facility or the solid waste contained in any such storage facility is not accessible to the truck, all such solid waste shall be placed at roadside for collection.
- 5.1.5** Collection will take place on public streets and roads only except for: private roads maintained by the Government of Nova Scotia or this municipality; mobile home trailer park 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.
- 5.1.6** For all other roads not included in clause 5.1.5, 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 Authority for that purpose, where it shall be collected.

## **5.2 Collection Times**

- 5.2.1** Solid waste shall be set out at roadside for collection between 6:00 am and 8:00 am of collection day. In the event of storm conditions preventing collection routes from being completed, the property owner shall remove from the roadside all solid waste not collected and set it out again on the scheduled alternative collection day or the next regularly scheduled collection day.
- 5.2.2** Notwithstanding clause 5.2.1, during special collections solid waste for roadside collection shall be set out no earlier than seven (7) days prior to the special collection.

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

#### **5.3.1 Removal of Collection Containers**

Solid waste collection containers 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 solid waste storage facilities. Permanent storage facilities shall comply with this Bylaw and any Directive issued pursuant to this Bylaw. Collection carts shall be removed from the roadside and stored on the premises. Collection carts shall be secured to prevent them from being blown into the roadway.

#### **5.3.2 Removal of Uncollected Solid Waste**

Any solid waste or other materials set out for regular or special collection and not collected or picked up for any reason, including litter in or around any storage facility, shall be removed or caused to be removed by the property owner by the end of collection day and properly sorted, contained, stored and disposed of in accordance with this bylaw. In cases where uncollected solid waste has not been removed from the roadside within 24 hours following the end of collection day, the General Manager may arrange for the removal and disposal of such waste and invoice the property owner for the removal and disposal costs. For the purposes of this section and Section 507 of the *Municipal Government Act* the General Manager shall be deemed to be an employee of the Municipality.

### **5.4 Authority Directives**

Subject to this Bylaw, the Authority may by resolution issue Directives pertaining to the collection of solid waste including but not limited to the contents of, type, nature, location and weight of collection containers or storage facilities and it shall be an offence to fail to comply with any such Directive.

### **5.5 Solid Waste Storage**

Solid waste storage facilities shall be:

**5.5.1** Weather-tight and animal-proof; and

**5.5.2** Capable of accommodating the quantities of source-separated solid waste generated between collections at that location; and

**5.5.3** Designed and constructed such that solid waste remains in a source-separated condition; and

**5.5.4** Easily accessible to all users and easily serviced by the collector; and

**5.5.5** Safe for their intended users; and

**5.5.6** In cases where Authority 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 Authority collection truck within five (5) meters of the loading hopper.

## **5.6 Owner and Occupant Responsibilities for Solid Waste Management**

The responsibility for the management of solid waste in residential premises and IC&I premises is shared by each property owner or owners, jointly and severally, and each and every occupant or occupants, jointly and severally, as follows:

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

The property owner shall:

**5.6.1.1** Provide solid waste storage facilities as set out in section 5.5; and

**5.6.1.2** In cases where any storage facility is inaccessible to the collection truck as required in section 5.5.6 on regular or special collection days, ensure that solid waste is set at roadside in accordance with section 5.2; and

**5.6.1.3** Maintain any solid waste storage facilities in good repair and in a clean and tidy condition at all times, both inside and outside, including the immediate surroundings; and

**5.6.1.4** Ensure that collection containers, storage facilities and uncollected solid waste, including litter produced or resulting from set-out solid waste by pests, weather conditions, or otherwise, are removed by the end of collection day; and

**5.6.1.5** Ensure the storage facility is cleaned out regularly.

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

The occupant shall:

**5.6.2.1** Sort and package all solid waste generated in the occupant's premises as provided in Section 4 and Directives issued pursuant to this Bylaw; and

**5.6.2.2** Between collections, place sorted and packaged solid waste in the storage facility provided by the property owner or in their own storage facility as the case may be.

## **5.7 Inspection and Rejection Guidelines**

Solid waste set out for Authority Collection shall be subject to inspection by the collection contractor or by Authority staff. Solid waste found not to be in compliance with any source-separation Directive of the Authority or with any other Authority

Directive, may be rejected and not collected.

## **5.8 Authority Collection Prohibitions**

No person shall:

**5.8.1** Pick over, remove, disturb or otherwise interfere with any solid waste that has been set out for Authority collection except that solid waste 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 solid waste placed for collection by the Authority; or

**5.8.3** Remove a collection container placed at roadside.

These prohibitions do not apply to the person who placed the waste out for collection or to the Authority, 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:

**5.9.1** An unsafe or potentially unhealthy condition or a nuisance or a potential nuisance related to storage or collection of solid waste;

**5.9.2** Persistent violation of any provision of section 5 of this Bylaw or any Directive issued pursuant to this Bylaw.

## **6.0 NON-AUTHORITY COLLECTION AND DISPOSAL OF SOLID WASTE**

These provisions apply to all residential and IC&I premises generating waste which is unacceptable for Authority collection or exceeds the allowable limits of Authority Collection or which for any other reason is not placed for Authority Collection by the owner or the occupant, and is managed either by the owner or the occupant or by another person or corporation for or on behalf of the owner or the occupant.

### **6.1 Solid Waste Removal**

The property owner or occupant of premises shall promptly remove and dispose of all waste not collected by Authority Collection.

### **6.2 Solid Waste Storage**

**6.2.1** The owner of any premises on which a storage facility has been placed, or the owner or user of such storage facility shall each ensure that such storage

facility is:

- 6.2.1.1** weather-tight and animal-proof; and
  - 6.2.1.2** capable of accommodating the quantities of source-separated solid waste generated between collections at that location; and
  - 6.2.1.3** designed and constructed such that solid waste remains in a source-separated condition; and
  - 6.2.1.4** cleaned out regularly; and
  - 6.2.1.5** maintained in good repair and in a clean and tidy condition at all times, both inside and outside, including the immediate surroundings.
- 6.3** No person shall place solid waste in any storage facility without permission of the owner of the premises or the owner or renter of the storage facility.
- 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 or transporting or hauling solid waste or 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.

## **7.0 WASTE-RESOURCE MANAGEMENT CENTRES**

- 7.1** The Authority may by resolution issue Directives pertaining to the efficient, safe and environmentally sound operation of Waste-Resource Management Centres in the Region and it shall be an offence to fail to comply with any such Directive.
- 7.2 Inspection and Enforcement**  
All loads entering the Waste-Resource Management Centre are subject to inspection and enforcement action by the General Manager or designate. The General Manager or designate may issue warnings, charge increased tipping fees, or revoke privileges of site users for non-compliance with this Bylaw or any Directive issued by the Authority. The Authority may from time to time establish administrative penalties to be levied against site users for non-compliance.
- 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.

## **8.0 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 (disposing of banned solid waste)
- 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 (failure to remove uncollected containers or waste)
- 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 (failure to provide for source-separation of 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 (illegal removal of collection containers)
- 8.2.11** Section 6.1 (failure to remove waste)
- 8.2.12** Section 6.2 (improper waste storage)
- 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 7.4 (failure to provide a manifest)

is guilty of a summary offence and liable to a fine of not less than five hundred dollars (\$500) 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** 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.

- 8.4** 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
  - 8.4.2** reasonably and honestly believed in the existence of facts that, if true, would render the conduct of that person innocent.
- 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 Authority 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 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** Every day during which an offence pursuant to section 8.1, 8.2, or 8.3 continues is a separate offence.
- 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.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2012.