

Municipality of Colchester

Chapter 57 Construction and Demolition Disposal By-law

1 Title & Scope

- 1.1 To identify and track all solid waste that is disposed in the County of Colchester that is calculated in the provincial diversion funding formula for the purpose of identifying possible future diversion programs.
- 1.2 To restrict the disposal of hazardous or dangerous waste in the County of Colchester to appropriate sites
- 1.3 To ensure proper insurance and bonding requirements are in place.

2 Definitions

For the purpose of this By-law:

- 2.1 **Administrator** means the person appointed by the Chief Administrative Officer to administer this By-law, or his/her designate;
- 2.2 **Construction and Demolition Materials**, hereinafter referred to as C&D Materials, means materials which are normally used in the construction of buildings, structures, roadways, walls and landscaping features, and includes, but is not limited to, soil, asphalt, brick, concrete, ceramics, porcelain, window glass, mortar, drywall, plaster, cellulose, fiberglass fibres, lumber, wood, asphalt shingles and metals.
- 2.3 **Construction and Demolition Materials Disposal Site**, hereinafter referred to as a C&D Disposal Site, means land and /or buildings or part of a building where C&D Materials are disposed of by land application or burying, and which site is licensed by the Department of Environment.
- 2.4 **Department of the Environment** means the Nova Scotia Department of the Environment.
- 2.5 **Hazardous Substance** means any hazardous, toxic, dangerous, waste dangerous substance or material, and includes any substance or material declared or defined to be a hazardous, toxic dangerous or waste dangerous substance in or pursuant to any applicable law or policy.
- 2.6 **Licence** means a construction and demolition materials disposal site licence pursuant to this By-law and shall be referred to herein as Licence.
- 2.7 **Licence Holder** means as applicant who has met all the conditions set out in the By-law and has been issued a Licence

- 2.8 **Municipality** means the Municipality of the County of Colchester.
- 2.9 **Waste Compliance Officer** shall mean a by-law enforcement officer appointed by the Chief Administrative Officer.

3 Licence Requirements

- 3.1 No person shall carry on, conduct, operate, maintain, keep or engage in a construction and demolition materials disposal site in the Municipality of the County of Colchester without first having obtained and maintained in effect a licence:
- 3.2 The application for a C&D Disposal Site licence shall be made in writing to the Administrator and shall include:
- 3.2.1 The name, business name, home and business address of the applicant including, telephone number, email address and fax number and the same information for the owner, if different from the applicant. If the corporate Applicant is a corporation the applicant must provide the name of the contact person with business address, telephone number, email address and fax number.
 - 3.2.2 Copy of the site and operational plan filed by the applicant with the Department of the Environment.
 - 3.2.3 Operational Permit issued by the Department of Environment and written confirmation from the Department of Environment that the site is not in violation of the Environment Act.
 - 3.2.4 A copy of the decommissioning plan for the closure of the site filed by the applicant with the Department of the Environment.
 - 3.2.5 Fee payment as set out in the Municipal Fees Policy as approved by Municipal Council.
- 3.3 If the applicant meets all the requirements of Sub Section 3.2, the Administrator shall issue a Licence to the Applicant.
- 3.4 A Licence may be renewed upon payment of an annual licence fee as set out in the Municipal Fees Policy approved by Municipal Council provided the licence holder continues to meet all of the requirements of this By-law.

4 Records and Reporting

- 4.1 The Licence Holder shall maintain the following information in a form prescribed by the Administrator. A daily record of each load of C&D material received for disposal on site which will contain the following information:

- 4.1.1 the name and address of the generator,
 - 4.1.2 the name and address of the hauler,
 - 4.1.3 the weight, date, and time of the load, and
 - 4.1.4 the site address of generated material along with a description of the material received.
 - 4.1.5 the weight and description of any inert C&D materials on site.
- 4.2 The Licence Holder shall provide to the Administrator a monthly report summarizing the information in the daily record as set out in Section 4.1.1 for all C&D material received at that C&D Disposal Site in the previous month. The monthly reports shall be provided no later than the fifteenth day after the end of each month.
- 4.3 The Licence Holder shall provide a copy of the annual tonnage data report that is required to be submitted to the Nova Scotia Department of the Environment, for review prior to submission.
- 4.4 The Licence Holder shall provide to the Administrator an annual summary report of the daily recordings of the operations from April 1 to March 31st by May 1st each year.

5 No Hazardous Substances

- 5.1 No Hazardous Substances shall be delivered to a C&D Disposal Site other than those which are incidental to, and inadvertently delivered with, C&D Materials.

6 Insurance and Bonds

- 6.1 The owner of a C&D Disposal Site shall maintain a minimum of \$5,000,000 of third party liability insurance in effect at all times or such other amount as the Municipality may agree.
- 6.2 The owner of C&D Site shall maintain Environmental Impairment liability insurance in effect at all times with respect to its operations in the amount of \$5,000,000 per occurrence. or such other amount as the Municipality may agree.
- 6.3 The owner of a C&D Disposal Site shall post a bond or letter of credit in a form acceptable to the Administrator in the amount of \$50,000 or such other amount as the Municipality may agree.
- 6.4 A bond posted pursuant to subsection 6.3 shall be to secure the proper closing of the C&D Disposal Site in accordance with policy approved by the Municipality.

7 Enforcement

- 7.1 Right of Inspection

The Administrator and/or the Waste Compliance Officer may from time to time enter upon any property or structure which is the subject of a licence under this By-law to ensure compliance.

8 Suspension or Revocation of Licence

- 8.1 A Licence issued under this By-law may be suspended or revoked by the Administrator on the violation of any of the provisions of this By-law. Notice of suspension, revocation or refusal to issue a Licence shall be in writing to the applicant or Licence Holder.

9 Appeals

- 9.1 Any person who, upon application, is refused a C&D Disposal Site Licence or renewal or whose C&D Disposal Site Licence is suspended may, by written notice to the Clerk, within 30 days of receiving written notification of the refusal, suspension or revocation, file an appeal to Council and Council shall hear the appeal at a hearing within 60 days of the filing of the appeal and Council may allow the appeal, dismiss the appeal or vary the decision under appeal.

10 Offence

- 10.1 Any person who contravenes any provision of this By-law is punishable on summary conviction as follows:
- 10.1.1 For a first offence, by a fine of not less than \$100 and not more than \$25,000 and in default of payment to imprisonment for a term of not more than ninety (90) days;
- 10.1.2 For a second offence, by a fine of not less than \$1,000 and not more than \$35,000 and in default of payment to imprisonment for a term of not more than ninety (90) days; and
- 10.1.3 For a third or subsequent offence, by a fine of not less than \$5,000 and not more than \$50,000 and in default of payment to imprisonment for a term of not more than ninety (90) days
- 10.2 In addition to any fine or imprisonment imposed pursuant to the Sub-Section 8.1 the Court may order the person convicted to pay all expenses incurred in correcting the contravention of the By-law or any damages associated with such contravention.
- 10.3 Where any person is in contravention of any provision of this By-law, the Administrator may direct in writing that the contravention be remedied by that person and within the time specified in the written direction.

11 Effective date and application

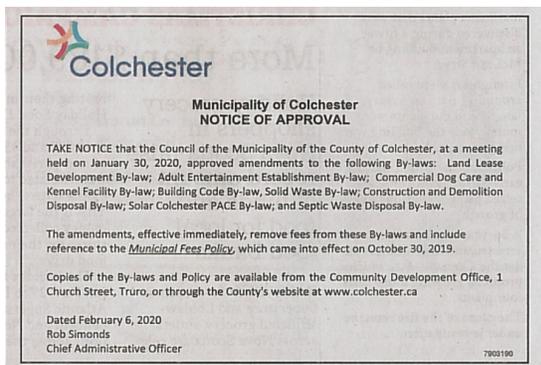
- 11.1 The amendments to this By-law are effective the date of publication of the approval of the By-law in accordance with the Municipal Government Act and shall apply to any C&D Disposal Site existing as of the effective date.

11.2 An existing C&D Disposal Site shall have thirty (30) days from the date of publication of the approval of the amendments to this By-law in accordance with the Municipal Government Act to arrange for the Insurance and Bonds set out in Section 6.

THIS IS TO CERTIFY, that amendments to Chapter 57, Construction and Demolition Disposal By-law, was duly approved at a duly called meeting of the Municipal Council of the Municipality of the County of Colchester, duly convened and held on the 30th day of January, A.D., 2020,

GIVEN under the hand of the Municipal Clerk and under the corporate seal of said Municipality this 10th day of February, A.D., 2020.

Rob Simonds
Municipal Clerk



I, Rob Simonds, Municipal Clerk of the Municipality of the Council of Colchester, do hereby certify that the adjacent Notice of Approval is a true copy of the Notice of Approval of Chapter 57 – Construction and Demolition Disposal By-law, duly advertised in the Thursday, February 6, 2020, issue of the Truro News.

Given under the hand of the Municipal Clerk and under the corporate seal of said Municipality this 10th day of February, 2020.

Rob Simonds
Municipal Clerk

First Reading: October 30, 2019
Notice of Intent: January 9 and 16, 2020
Second Reading: January 30, 2020
Notice of Approval: February 6, 2020