



Town of Amherst
Special Council Meeting
Agenda

Date: **August 24, 2021**
Time: **4:00 pm**
Location: **Zoom Virtual Meeting**

	Pages
1. CALL TO ORDER	
2. REQUEST FOR DECISION	
2.1. Solid Waste Bylaw - 2nd Reading	1 - 20
2.2. Amendment to the Vacation-Holiday Policy - Non Union Employees	21 - 26
3. ADJOURNMENT	

Synopsis

Bylaw to Amend the Solid Waste Bylaw

With the upcoming sale of the Little Forks Landfill, the purchaser of the site wants the right to potentially export waste to other jurisdictions. Both the Bylaws of Amherst and Cumberland need to be amended to remove the prohibition on removing waste from the county. In order to allow for exporting solid waste, sections 18 and 19 of the current Solid Waste Bylaw must be deleted.

MOTION:

That Council approve second reading of the Bylaw to Amend the Solid Waste Bylaw, D-20.

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Jason MacDonald, CAO

DATE: August 24, 2021

SUBJECT: Bylaw to Amend the Solid Waste Bylaw 2nd Reading

ORIGIN: Upcoming sale of the Little Forks Landfill

LEGISLATIVE AUTHORITY: Municipal Government Act Section **172 (1)** A council may make by-laws, for municipal purposes, respecting (k) services provided by, or on behalf of, the

RECOMMENDATION: That Council approve second reading of the Bylaw to Amend the Solid Waste Bylaw

BACKGROUND: Both the Bylaws of Amherst and Cumberland need to be amended to remove the prohibition on removing waste from the county.

DISCUSSION:

The purchaser of the site wants the right to import solid waste from other jurisdictions outside of our boundaries and also to potentially export waste to other jurisdictions.

In order to allow for exporting solid waste the following must be deleted:

18. No person shall export or remove solid waste material generated within the Town of Amherst 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.

19. For the purpose of Section 18., 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 industrial, commercial and institutional premises, pathogenic or biomedical waste, hazardous waste materials.

FINANCIAL IMPLICATIONS: Amending the bylaw to facilitate the sale of the facility and a significant one time revenue and removal of future liabilities associated with the side. There is also potential for long term revenue source within the agreement.

SOCIAL JUSTICE IMPLICATIONS: None

ENVIRONMENTAL IMPLICATIONS: All waste generated or disposed of in Nova Scotia must follow strict environmental regulations regardless of location of disposal





AMHERST TOWN COUNCIL

RFD# 2021059

Date: August 24, 2021

COMMUNITY ENGAGEMENT: A Notice of Approval will be published in a newspaper.

ALTERNATIVES: This is a requirement of the terms of the Purchase and Sale Agreement for the landfill site.

ATTACHMENTS: The Bylaw to Amend the Solid Waste Bylaw, D-20

Report prepared by:

Report and Financial approved by:



Town of Amherst Solid Waste By-Law

1. This By-Law is entitled the "Town of Amherst 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 metres;
 - (iii) the composter or compost pile is not located within 15 metres of any window or door of a structure on an adjacent property;
- (2) **"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;
- (3) **"CJSMA"** means the Cumberland Joint Services Management Authority or its successors who manage the operation of the Little Forks Landfill at Cumberland County;
- (4) **"collector"** means any person or corporation collecting solid waste in the Town for gain or profit licensed in accordance with section 7 of this by-law;
- (5) **"collector license"** means a license to transport solid waste generated within the town of Amherst and issued by the Solid Waste Manager.
- (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 Town of Amherst for collection by a hauler;
- (7) **"compostables / 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 bins;

- (8) "**compost bin**" means a wheeled aerated cart designed to be emptied by hydraulic lifting devices for the storage and municipal collection of compostables made available by or through the Town 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 nuisance-free and safe storage and use in land applications;
- (10) "**container recyclables**" means redeemable beverage containers, steel, tin or aluminum food containers and 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, and any such other items as may, from time to time, be identified in public education documents distributed by the Town of Amherst or CJSMA as suitable for municipal container recyclables collection;
- (11) "**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;
- (12) "**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;
- (13) "**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;
- (14) "**Council**" means the council for the Town of Amherst;
- (15) "**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;
- (16) "**Cumberland Central Landfill**" means the solid waste processing and disposal complex at Little Forks 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;

- (17) **“Enforcement Officer”** means the person appointed by the Town to be the Enforcement Officer or their designate;
- (18) **“fibre recyclables”** means corrugated cardboard, newsprint, catalogues, bond paper, glossy flyers and magazines, paper egg cartons, boxboard, computer paper, telephone and other soft cover books, and any such other items as may, from time to time, be identified in public education documents distributed by the Town of Amherst or CJSMA as suitable for municipal fibre recyclables collection.
- (19) **“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;
- (20) **“hospital and pharmaceutical waste”** means waste generated at hospitals, clinics, pharmacies, veterinary clinics, dentist offices and includes used needles, drugs, dressings, excluding pathological waste;
- (21) **“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;
- (22) **“ICI Sector”** means motel, restaurant, office building, public institution, manufacturing plant, retail sales outlet or any other premise not a residential premises as defined by this by-law;
- (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 Town;
- (26) **“public education documents”** includes newspaper or radio advertisements, newsletters, pamphlets, flyers or other material circulated by mail or delivery by or for the Town, CJSMA, the Nova Scotia Department of Environment or the Nova Scotia Resource Recovery 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) **“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, mild products, soya milk or concentrates;
- (29) **“residential premises”** included single family dwellings, duplexes and apartment buildings with three dwelling units or less, but does not include a motel, hotel or inn;
- (30) **“residential solid waste”** includes compostables, recyclable materials and residual garbage generated at a residential premise;
- (31) **“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 waste 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;
- (32) **“scrap metal / white goods”** includes items such as washers, dryers, dishwashers, stoves and refrigerators;
- (33) **“septic waste”** means the liquid and solid material removed from septic tanks, sewage treatment plants, and manholes, cesspools, privies and portable toilets;
- (34) **“sharps waste”** means hypodermic needles, syringes with needles attached, IV tubing with needles attached, dental scalars, scalpel blades and lancets that have been removed from the original sterile package;
- (35) **“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;

- (36) **“Solid Waste Manager”** means the Solid Waste Manager of the CJSMA;
- (37) **“stream”** means waste of the same kind being:
 - (i. compostables;
 - (ii. Recyclable material;
 - (iii. Residual waste;
 - (iv. Construction and demolition 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) **“Town”** means the Town of Amherst;
- (39) **“unacceptable materials”** shall be defined as materials not accepted for disposal at the Cumberland Central Landfill, this includes but is not limited to biomedical waste and household hazardous waste;
- (40) **“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 Town 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) (i. container recyclable materials;
ii. fibre recyclable materials;
 - (3) residual waste;
 - (4) construction, demolition and renovation debris;
 - (5) contaminated soil;
 - (6) solid waste of any type which is not accepted 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 Town provided, however, that:
 - (1) backyard composting carried out in such manner as not to constitute a nuisance is permissible;
 - (2) 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;
 - (3) no householder in the Town 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;
 - (4) subject to statutes, regulations or laws of the Province of Nova Scotia or Canada 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
 - (5) subject to statutes, regulations or laws of the Province of Nova Scotia or Canada or other by-laws of the Town to the contrary, the nuisance-free disposal of aggregate, soil, bricks, mortar, concrete, asphalt pavement, porcelain or ceramic materials as fill is permitted.

Municipal Residential Collection

5. Council may, by resolution, provide for municipal collection of solid waste by a contractor in some or all areas of the Town 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.

Solid Waste Collection

6. Except to the extent authorized by contract with the Town 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 residual residential solid waste within

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the Town 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 six [6] such bags per dwelling unit shall be placed for collection on any one collection day;
- (4)
 - (i. container recyclable materials shall be placed for collection in securely tied, transparent 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.
 - (ii. paper recyclable materials shall be placed for collection in securely tied, transparent 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.
 - (iii. not more than six such bags or bundles per dwelling unit shall be placed for collection on any one collection date.
- (5) the collection of organic materials (compostables) shall be subject to the following conditions or such further conditions as the Town may establish by resolution:
 - (i. each residential premises shall have a compost bin as approved by the Town in which organics are to be placed for collection;
 - (ii. the compost bins are the property of the Town. The owner of the residential premises shall be responsible to ensure that such bins are kept secure on their premises 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;
 - (iv. leaf and yard waste placed for collection shall, in the case of leaves, be placed in compostable/paper 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 and not more than 10 such bags per residential premise shall be placed for collection on any one collection day. Brush and tree branches shall not exceed 1.5 m in length or 25 kg in weight and individual limbs shall have a diameter not exceeding 5 cm in diameter;

- (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 date and no individual item shall measure greater than 2.0 meters in any dimension;
- (7) except to the extent authorized by contract with the Town 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 Town
 - (xi. other materials or solid waste as may be identified as unacceptable for collection in public education documents distributed from time to time;
- (8) 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 Town, 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 Town 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 section [6];

- (iv. this section does not apply to the person who placed the waste material for collection or to the Town, its contractors or authorized Town collection contractors;
 - (9) no person shall place solid waste for collection on a property other than solid waste generated on that property;
 - (10) no person shall place waste from premises other than residential premises on municipal property for collection or other reason without written permission from the Town;
 - (11) waste refrigerators and freezers shall either be stored inside or enclosed, locked child-proof building or shall have their doors removed from the appliance;
 - (12) 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 not later than midnight on the day of collection.
7. Only the contractor hired by the Town is permitted to regularly collect solid waste from residential premises in Amherst.

Special Collections

8. 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 Town, 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.

Solid Waste Containers

9. The owner and occupant of every property in the Town 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 compost bins or 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) 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 (ICI)

Industrial, commercial, Institutional Solid Waste Disposal

10. (1) Owners and occupants of properties in the ICI 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:
 - (i) all solid waste generated by industrial, commercial or institutional premises, facility or operation;
 - (ii) all solid waste resulting from construction of any kind, including renovation or repair;
 - (iii) all solid waste resulting from the demolition of a building or structure.
- (2) The Town, by contract with solid waste generators in the ICI Sector, may provide collection of solid waste and may, in such contract, vary any of the limitations or restrictions applicable to general municipal collection as set out herein.
- (3) The property owner of an industrial, commercial or institutional property shall ensure that:
 - (i) adequate space is provided on the property to accommodate containers for the collection of source-separated residual waste, organic materials, container recyclable materials and fibre recyclable materials generated at the property;
 - (ii) where food is consumed on site, receptacles must be present to accommodate the collection and separation of residual waste, organic material, and recyclable materials for people disposing of such material;
 - (iii) signage clearly defined for the sorting of recyclables, organic materials and residual waste is to be located within three [3] meters of the commercial container(s);
 - (iv) where industrial, commercial or institutional properties have a chute, signage is required to be posted on every floor where access to a chute is provided to instruct tenants to the location of commercial containers for residual waste, recyclables, and organic materials.
- (4) The occupant of an industrial, commercial or institutional property shall:
 - (i) 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, container recyclable material and fibre recyclable material, so as to comply with the disposal bans and to facilitate their recycling, composting or disposal in accordance with the Town's waste resource management system;

- (ii) place for collection source separated material in containers in accordance with Section 11 at the storage areas on the property as designated by the property owner;
- (iii) place all residual waste in securely tied, transparent, colourless plastic disposable water-proof bags of a dimension not smaller than 60cm X 80 cm, nor greater than 100 cm X 150 cm, and shall not exceed a weight of 25 kg per bag;
- (iv) where food is consumed on site, clearly label bags of solid waste generated and sorted by consumers of food with identifying labels or markers provided by the Solid Waste Manager for this purpose. This provision does not relieve the occupant of the requirement to source separate waste generated or handled by employees on site.

Commercial Containers

11. (1) Any person who makes use of a commercial container for the temporary storage of waste shall ensure that such commercial container:
- (i) is sturdily constructed of weather-proof and animal-proof material, and is capable of containing the material deposited within;
 - (ii) has displayed thereon the name and telephone number of the owner of the container and the type of material to be deposited therein;
 - (iii) has displayed thereon the following message "GARBAGE" or "WASTE" where residual waste is to be deposited in the commercial container;
 - (iv) has displayed thereon the following message "ORGANICS" where organic materials are to be deposited in the commercial container;
 - (v) has displayed thereon the following message "CONTAINER RECYCLABLES" where container recyclables are to be deposited in the commercial container;

has displayed thereon the following message "FIBRE RECYCLABLES" where fibre recyclables are to be deposited in the commercial container
 - (vi) where it is not possible to display the appropriate message as outlined in this subsection directly on the commercial container, then appropriate signage shall be posted within three [3] meters of the commercial containers with the message indicating the materials to be deposited therein, and
 - (vii) any message required by this section shall use lettering not less than 10 centimeters in height and 4 centimeters in width;
 - (viii) is equipped with a lid with a positive closing device which shall be kept closed except when the container is being loaded or unloaded;

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- (ix) is cleaned regularly and periodically, as necessary to avoid the build-up of odours;
 - (x) where tenants are required to place materials in the container, the container shall be designed and situated to be reasonably accessible for this purpose.
- (2) The owner of any premises on which a commercial container is placed shall ensure that:
- (i) where possible, any such container is kept behind or beside the building which it serves;
 - (ii) 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;
 - (iii) any such container is reasonably screened so as not to be visible from any street; and
 - (iv) any such container is kept in a manner that is not unsightly and does not cause a nuisance or health-related problem.
- (3) No person shall place a commercial container on any public street within the Town without the written permission of the Town Engineer.
- (4) The owner of any premises upon which a commercial container is located shall be responsible to:
- (i) keep the area surrounding any such container free from litter and waste;
 - (ii) 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, scrap metals, etc.);
 - (iii) to ensure that any such container is loaded uniformly and is loaded such that waste material is completely contained within the container when closed.
- (5) The owner of any industrial, commercial or institutional premises shall ensure that commercial containers on the premises:
- (i) accommodate source separated waste generated at that location;
 - (ii) are designed and constructed such that the waste (residual waste, organic materials, recyclable materials) remains in a source separated condition; and
 - (iii) are easily accessible to the occupants.

- (6) The owner of any industrial, commercial or institutional 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 11.
- (7) Bulk commercial containers used during construction or repair work need not comply with paragraphs [11. (1)] and [11. (2)] of this by-law for temporary period of not more than six [6] months or until the completion of the construction or repair work, whichever is sooner.

GENERAL

Inspections

12. Where an inspection is required or conducted pursuant to this by-law:
 - (1) the Enforcement Officer may enter in or upon land or premises at a reasonable time without a warrant;
 - (2) except in an emergency, the Enforcement 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 Enforcement Officer in the exercise of a power granted pursuant to this by-law, the Enforcement Officer may apply to a judge of the Supreme Court of Nova Scotia for an order,
 - (i) to allow the Enforcement Officer entry to the building, and
 - (ii) restraining a person from further interference;
 - (iii) to recover all costs associated with any such order.

Solid Waste Collectors

13. No person shall engage in the business of collection or transporting solid waste generated within the Town of Amherst, nor shall they deposit solid waste at the Cumberland Central Landfill unless the person holds a current collector License from the Town of Amherst for that purpose, obtained or renewed before March 31 in each calendar year.
14. The application for a Collector's License shall be made in writing, in duplicate, on such form as may be specified by the solid Waste Manager from time to time, and signed by the person applying therefore. Every application for a Collector 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 Town of Amherst;
- (3) a description of the types of solid waste for which a Collector License is sought;
- (4) an annual license fee as determined from time to time by Council.

15. 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 to time by the Solid Waste Manager 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 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;
- (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;
- (6) displays the name of the Licensed Collector in characters not less than 2.5 cm in height.

16. 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, except as may be expressly authorized by the Solid Waste Manager;
- (3) comply with the provisions 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 Manager regarding the collection and transportation of solid waste, the use of solid waste management facilities and the public education of solid waste generators;
 - (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 Manager from time to time.
17. The Solid Waste Manager may refuse to issue or renew or may revoke or suspend a Collector's license for breach of the by-law or of the terms or conditions of a License. The Solid Waste Manager may suspend a Collector's License on reasonable and probable grounds without hearing or notice in the event of a willful breach of the 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.

Prohibitions

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- ~~18. No person shall export or remove solid waste material generated within the Town of Amherst 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.~~
- ~~19. For the purpose of Section 18, 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 industrial, commercial and institutional premises, pathogenic or biomedical waste, hazardous waste materials.~~

Enforcement and Penalty

- 20. Proof that solid waste that was deposited or placed somewhere in contravention of this by-law originating from a particular person shall be evidence that the person so deposited or placed it, or caused or permitted it to be so deposited or placed, in the absence of evidence to the contrary.
- 21. 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 \$5,000 and to imprisonment of not more than 60 days in default of payment thereof.
- 22. Each day that a person commits an offence under this by-law constitutes a separate offence.

Solid Waste Disposal

- 23. 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.
- 24. 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 of items of solid waste.

Scavenging

- 25. No person shall remove material from the Cumberland Central Landfill without permission from Cumberland Joint Services Management Authority.

Inspection and Enforcement at Cumberland Central Landfill

- 26. 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.

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.

Repeal

27. The Town of Amherst Solid Waste By-law, D-20, approved by Council on April 22, 2002 with amendments dated February 24, 2003 ~~and April 30, 2007 and March 9, 2018~~ is hereby repealed.

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SYNOPSIS

Policy Amendment

Vacation-Holiday Policy Non-Union Employees

On June 3, 2021, Bill C-5, An Act to amend the Bills of Exchange Act, the Interpretation Act and the Canada Labour Code (National Day for Truth and Reconciliation) (“Bill”) received royal assent. It came into force on August 3, 2021. This legislation establishes a new federal statutory holiday, the National Day for Truth and Reconciliation, which will fall on September 30th each year.

The addition of a new national statutory holiday requires a housekeeping amendment to our policy to add the day to our list of holidays. The attached draft policy contains the following change:

1. Holidays: Added National Day for Truth and Reconciliation

Both our CUPE and APA contracts have language that states that any holiday proclaimed by the Federal, Provincial, or Municipal governments shall be observed as a paid holiday.

MOTION:

That Council approve of the amendment to the Vacation-Holiday Policy.

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Cheryl Laliberte – Community Well-being Manager

DATE: August 24, 2021

SUBJECT: Vacation-Holiday Policy Amendments

ORIGIN: Identified a need to update the Vacation-Holiday policy to include the National Day for Truth and Reconciliation as a paid holiday.

LEGISLATIVE AUTHORITY: MGA sections 47(1) states “The council shall make decisions in the exercise of its powers and duties by resolution, by policy or by by-law”.

RECOMMENDATION: That Council approve of the amendment to the attached Vacation-Holiday Policy.

BACKGROUND: On June 3, 2021, Bill C-5, An Act to amend the Bills of Exchange Act, the Interpretation Act and the Canada Labour Code (National Day for Truth and Reconciliation) (“Bill”) received royal assent. It came into force on August 3, 2021.

This legislation establishes a new federal statutory holiday, the National Day for Truth and Reconciliation, which will fall on September 30th each year. The Bill responds to the Truth and Reconciliation Commission of Canada’s call to action number 80 which calls on the federal government, in collaboration with Aboriginal peoples, to establish the holiday to commemorate the history and legacy of residential schools and honour the survivors, their families, and communities.

DISCUSSION: The addition of a new national statutory holiday requires a housekeeping amendment to our policy to add the day to our list of holidays. The attached draft policy contains the following change:

1. Holidays: Added National Day for Truth and Reconciliation

Both our CUPE and APA contracts have language that states that any holiday proclaimed by the Federal, Provincial, or Municipal governments shall be observed as a paid holiday.

FINANCIAL IMPLICATIONS: The policy amendment will not affect budget

COMMUNITY ENGAGEMENT: Social media will be used to communicate the changes to the policy.



ENVIRONMENTAL IMPLICATIONS: There are no environmental implications anticipated at this time.

SOCIAL JUSTICE IMPLICATIONS: This day provides an opportunity for each public servant to recognize and commemorate the legacy of residential schools.

ALTERNATIVES:

1. Make recommendations on what to change in the policy and bring a revised version to Council.

ATTACHMENTS: Revised Policy

Report prepared by: Cheryl Laliberte – Community Well-being Manager
Report and Financial approved by:

DEPARTMENT: Council and All Departments

TITLE: Vacation/Holiday Policy – Non Unionized Employees

Minutes reference date: 26 June 2006

Effective date: 1 January 2006

Revised: 26 January 2015

Purpose:

This policy defines the entitlement of employees for paid vacations earned in the employ of the Town of Amherst.

Definitions:

Permanent Employee: An employee who is employed on a regular and full time basis.

Temporary Employee: An employee performing duties for an undetermined period of time.

Casual Employee: An employee who is required to perform work of a temporary or intermittent nature for varying periods though the year.

Part-time Employee: An employee performing duties on a part-time basis.

Seasonal Employee: An employee performing duties of a seasonal nature.

Student Employee: An employee who is deemed to be a full time student and has been hired in support of various municipal functions for a specific term.

Half Days: Half Days will be defined at 3.5 hours taking either from the beginning of their normal work day or taken at the end of the employees normal work day.

Policy Statement:

Vacation Date

All vacation periods will be calculated as of the date of January 1st of each year.

Eligibility

A permanent full time employee who is employed at a time after January 1st shall have his or her vacation entitlement pro-rated to January 1st of the next year. Such vacation is to be taken in the year following the employment year.

A permanent full time employee leaving the employ of the Town of Amherst during the year prior to January 1st in any year may apply for one of the following options:

- a) to be paid in full for any vacation owing on the final day of work;
- b) have the termination date adjusted to account for all outstanding vacation days earned.

Such applications are to be made to, and are at the discretion of the CAO.

Vacation Earned

A permanent full time employee shall earn:

- a. 1 ¼ days per month up to the tenth year of employment calculated from the date the employee commences work in the first year up to the tenth year, to a maximum of 15 working days per year in any subsequent year. However, in the 10th year, the employee will receive the increased vacation allotment of 20 days.
- b. From the commencement of the eleventh year up to the fifteenth, 1 2/3 days per month to a maximum of 20 working days per year. However, in the 15th year, the employee will receive the increased vacation allotment of 25 days.
- c. From commencement of the sixteenth year up to the twentieth year, 2 1/12 days per month to a maximum of 25 working days per year. However, in the 20th year, the employee will receive the increased vacation allotment of 30 days.
- d. For over twenty years, 30 working days per year.

Vacation earned shall not be paid out except in unusual circumstances and only with the approval of the CAO.

Non Permanent Employees

Temporary Employees, Part-time Employees, Seasonal Employees and Student Employees shall not be eligible for vacations with pay. However, vacation pay will be provided in accordance with the Labor Standards Act and Regulations of the Province of Nova Scotia.

Holidays

The following days will be observed as paid holidays for the Permanent Employees of the Town of Amherst. All others, including Temporary Employees, Part-time Employees, Seasonal Employees and Student Employees will be eligible for paid holidays as prescribed under the Labor Standards Act and Regulations of the Province of Nova Scotia.

In addition, any other day proclaimed by either the Federal or Provincial governments, or the Town of Amherst shall be observed as paid holidays. If at any time the above holidays fall on a Saturday or Sunday, the next regular working day shall be deemed a holiday.

New Year's Day
Nova Scotia Heritage Day
Good Friday
Easter Monday
Victoria Day
Canada Day
Civic Holiday (First Monday in August)
National Day for Truth and Reconciliation
Labour Day
Thanksgiving Day
Remembrance Day
Christmas Day
Boxing Day

An employee shall only be entitled to be paid for a holiday if such employee works the scheduled working day immediately preceding and immediately following the holiday. If it is necessary for an employee to be absent on either of these days, payment shall be at the discretion of the CAO. Payment or other time off for these holidays shall be made if the employee is on time off paid by the Town of Amherst.

Vacation Earned Fire Department Employees

Permanent fire department employees work a schedule of one 24 hour shift with 72 hours off. This schedule determines that each person works an average of 43 hours per week. Therefore, the following calculation shall be used in calculating vacation time for Permanent Employees of the Fire Department.

The number of weeks earned multiplied by the average hours worked per week divided by the number of hours in a shift. For example, an employee of the fire department who has worked as a permanent employee up to and including 10 years has earned 3 weeks vacation. This equates as follows:

3 weeks earned multiplied by 43 hours which is the length of the average work week divided by 24 which is the length of a normal shift equals to an entitlement of 5 full shifts plus 7 hours.

Permanent fire department employees shall earn:

- a. 5 full shifts plus 7 hours per year up to and including the tenth year of employment calculated from the date the employee commences work in the first year. However, in the 10th year, the employee will receive the increased vacation allotment of 7 full shifts plus 5 hours.
- b. 7 full shifts plus 5 hours per year from the commencement of the eleventh year up to and including the fifteenth year of employment calculated from the date the employee commences work in the first year. However, in the 10th year, the employee will receive the increased vacation allotment of 9 full shifts.
- c. 9 full shifts per year from the commencement of the sixteenth year up to and including the twentieth year of employment calculated from the date the employee commences work in the first year. However, in the 20th year, the employee will receive the increased vacation allotment of 10 full shifts plus 18 hours.
- d. For over twenty years, 10 full shifts plus 18 hours.

Long Term Disability or Workers Compensation

Employees off work on LTD or Workers' Compensation shall only be entitled to earn vacation during the first year of their absence. Employees off work on a personal unpaid leave of absence will not earn vacation time during such leave.