



TOWN OF OXFORD  
Special Council Meeting  
Conducted through Zoom and Live to FaceBook  
Thursday, January 27, 2022  
6 PM

## **AGENDA**

1. Call to Order
2. Approval of Agenda
3. New Business
  - 3.1 Solid Waste By-Law, #02-02 Amendments – Second Reading – Deputy Mayor Adshade
  - 3.2 Resolution to Permit Export of Materials by GFL Environmental Inc. – Deputy Mayor Adshade
  - 3.3 Waste Resource Benefits Agreement Resolution – Deputy Mayor Adshade
  - 3.4 Recommendation from Personnel Committee – Councillor Jones
  - 3.5 Recommendation from Audit Committee – Councillor Black
4. Adjournment

## Bylaw to Amend the Solid Waste Bylaw, #02-02

### **Second Reading**

Further to the recent amendments to the Solid Waste By-Laws in each of Amherst, Cumberland and Oxford, GFL Environmental Inc. ("GFL") subsequently requested additional by-law amendments to ensure (i) continuity of flow-control of Solid Waste to the facility in Little Forks and (ii) to expressly provide export rights for GFL after the sale of the facility to GFL.

In the case of Amherst and Cumberland, the amendments essentially require reinsertion of provisions previously removed by the Councils to Amherst By-law D20 and Cumberland By-Law 18-02. In both cases, the provisions were removed pursuant to GFL's request to remove municipal prohibitions on the export of Solid Waste to the facility.

The proposed language for amendment of these By-Laws simply adds the prohibition on exporting Solid Waste back into the By-Laws. The proposed amendment also gives each Council authority to provide exemptions (if deemed necessary) to the flow control prohibition by way of Council Resolution.

**MOTION: That Council give second reading of the Bylaw to Amend the Solid Waste Bylaw, #02-02.**

Town of Oxford

By-Law to Amend the Solid Waste By-Law, #02-02

1. This is a By-Law to amend the Town of Oxford By-Law #02-02, as amended by Council and effective on September 8, 2021.
2. The Town of Oxford Solid Waste By-Law is hereby amended by adding the following Sections 22 and 23 under the heading "Prohibitions" and renumbering the subsequent paragraphs:

**Prohibitions**

22. No person shall export or remove solid waste material generated within the Town of Oxford outside the boundaries of Cumberland County and all such solid waste shall be disposed of within the boundaries of Cumberland County in accordance with this By-Law, except when and as authorized by a Resolution of Council.
  23. For the purpose of Section 22, solid waste means solid waste materials, including but not limited to, residual waste, industrial, commercial and institutional waste, construction and demolition waste, mixed waste, and organic materials, but does not include recyclable materials from industrial, commercial and institutional sector premises, pathogenic or biomedical waste, or hazardous waste, materials.
3. This By-Law comes into force upon publication.



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## **Bylaw #02-02**

### **Solid Waste Bylaw**

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- 1 This Bylaw is entitled the “Town of Oxford Solid Waste Bylaw”.

#### **Definitions**

- 2 In this Bylaw:

- (a) “Construction and demolition 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, plaster, cellulose, fiberglass fibers, gyproc, lumber, wood, 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 designated disposal site for construction and demolition debris;
- (b) “CJSMA” means the Cumberland Joint Services Management Authority, which is an inter-municipal committee created by the Towns of Amherst, Oxford, Springhill and Parrsboro and the Municipality of the County of Cumberland, which among other activities, operates the Cumberland Central Landfill located at Little Forks, Cumberland County;
- (c) “Cumberland Central Landfill” means the entire solid waste processing and disposal complex operated by the CJSMA at Little Forks. Cumberland County and any portion or component thereof.
- (d) “Curb” means that portion of a street right-of-way between the traveled portion of the right-of-way and the abutting property line which parallels the street center line;
- (e) “Hazardous waste” means any waste that may be harmful to humans, animals, plant life or natural resources including, but not restricted to, industrial chemicals, toxic waste, flammable waste, corrosive waste, radioactive waste, reactive, pathological, PCB waste, oil, gasoline, paint solvent, wood preservatives, ink, battery acid, pesticides, insecticides and any other materials defined as such from time to time by the laws or regulations of the Province of Nova Scotia;

- (f) “Oxford Transfer Station” means the solid waste transfer site located on the old Pugwash Road, Cumberland County; for the express use of residents of the Town of Oxford and residents of the Municipality of Cumberland.
- (g) “Town Council” means the Town of Oxford;
- (h) “Person” means any person, individually or collectively, or any corporate entity;
- (i) “Public education documents” includes any newsletters, pamphlets, flyers or other written material circulated by mail or electronic communication or delivery by or for the Town or the CJSMA and any newspaper or radio advertisements by or for the Town or the CJSMA.
- (j) “container recyclables” means redeemable beverage containers steel, tin or aluminum food containers, jars and bottles, low density polyethylene bags and packaging, high density polyethylene 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 or CJSMA as suitable for municipal container recyclables collection;
- (k) “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 Oxford or CJSMA as suitable for municipal fibre recyclables collection.
- (l) “Redeemable beverage container” means a container of less than 5 litres which contains or has contained a beverage and was sealed by the manufacturer after the beverage was placed in it, other than a container for milk, milk products, soya milk or concentrates which may be redeemed at a designated facility for consideration;
- (m) “Residual garbage” means any household waste other than:
- (i) recyclable material:
  - (ii) leaf and yard waste:
  - (iii) material identified in this By-Law as material not to be placed for municipal collection or not to be deposited at a municipal solid waste management facility or material identified in this By-Law as to be placed for collection only upon special collection dates:
  - (iv) waste or solid waste which is not placed for collection in accordance with the requirements of this By-Law including waste having limitations on the size, weight, volume, packaging or bundling identified herein or which is

placed for collection contrary to limitations or specifications on garbage collection identified from time to time in public education documents distributed by the Town; but notwithstanding Subparagraph (a) hereof, residual garbage may include recyclable materials to the extent that separation of recyclable material is not reasonably possible for the waste generator due to 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;

- (n) “Solid waste” includes recyclables, compostables, residual garbage, construction and demolition debris, leaf and yard waste, contaminated soil and any other waste or discarded tangible personal property of an owner or occupant;
- (o) “Yard waste” or “leaf and yard waste” means vegetative matter resulting from gardening, horticulture, landscaping or land-clearing operations, including but not necessarily limited to 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.

#### **Municipal Solid Waste Management Facilities**

- 3 The following sites are designated as municipal solid waste management facilities:
  - (a) For construction and demolition debris; the Cumberland Central Landfill;
  - (b) For compostables: the Cumberland Central Landfill and/or the Oxford Transfer Station;
  - (c) For recyclable materials: the Cumberland Central Landfill and/or the Oxford Transfer Station;
  - (d) For residual garbage: the Cumberland Central Landfill and/or the Oxford Transfer Station;
  - (e) For contaminated soil: the Cumberland Central Landfill.

#### **Permissible Solid Waste**

- 4 Except for the placement of solid waste for collection in accordance with this Bylaw, no person shall deposit, cause to be deposited or permit to be deposited any solid waste at any place in the Town other than at a municipal solid waste management facility designated by the Town as being for the applicable type of solid waste, or at a site approved for the purpose by the Province of Nova Scotia, with the following exceptions:
  - (a) Subject to bylaws, orders, statutes, regulations or laws of the Town, Province of Nova Scotia or Canada to the contrary, residential backyard composting carried out by residents of the Town in such manner as to not constitute a nuisance is permissible;
  - (b) Subject to bylaws, orders, statutes, regulations or laws of the Town, 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 permissible; and

- (c) Subject to bylaws, orders, statutes, regulations or laws of the Town, Province of Nova Scotia or Canada to the contrary, the nuisance-free disposal of aggregate, soil, bricks, mortar, concrete, asphalt pavement, porcelain or ceramic materials as fill is permissible.
- 5 No person shall place, cause to be placed or permit to be placed in a municipal solid waste management facility any material or quantity of material in contravention of
- (a) Any federal or provincial statute or regulation, including by not limited to any regulation requiring the diversion of particular types or quantities of waste or waste products from particular types of solid waste management facilities;
  - (b) This bylaw or any resolution of the Town concerning the use of a municipal solid waste management facility, including but not limited to any resolution requiring the diversion of particular types or quantities of waste or waste products from any or a particular type of municipal solid waste management facility;
  - (c) The directions of the operator or staff of a municipal solid waste management facility with respect to the weighing, measuring, timing, volume, method, location or other conditions of placement of solid waste, or particular types, loads or items of solid waste.
- 6 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 for whatever reasons the operator or municipal staff of the municipal solid waste management facility refuses to accept a load or loads or item or items of solid waste.
- 7 Except by contract with the Town or with the express approval of the operator of the municipal solid waste management facility obtained in advance, given after the operator is fully informed as to the nature and origin of the solid waste, no person shall place, cause to be placed or permit to be placed in a municipal solid waste management facility;
- (a) Any solid waste which is not permitted by any bylaw, order, statute, regulation or law of the Town or the Province of Nova Scotia to be placed for municipal collection; or
  - (b) *repealed August 30, 2021, Special Town Council Meeting.*
- 8 No person shall place, cause to be place or permit to be placed in a municipal solid waste management facility any solid waste that is not separated as required by Section 13 of this bylaw 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 inter-mingled with solid waste of another kind, type, stream or place of origin.

- 9 The operator or staff at a municipal solid waste management facility may refuse solid waste originating from the Town:
- (a) Which contains waste for which that facility is not a designated site;
  - (b) For which a tipping fee has not been set or negotiated with the generator or collector or for which a tipping fee has not been paid or for which tipping fee payment arrangements satisfactory to the Town have not been made;
  - (c) Which is being delivered by an unlicensed collector;
  - (d) Which the facility is unable to weigh, measure or process for any reason, including, but not restricted to, excessive inventory of solid waste or shortage of space, mechanical or electrical break down or labour dispute; or
  - (e) Which would be deposited or place in contravention of any order, by-law, statute, regulation or law of the Town or the Province of Nova Scotia.

#### **Removal, Separation and Storage of Solid Waste**

- 10 No occupant or owner of property 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 or hazard to the public or public health.
- 11 Storage of food scraps and spoiled or waste food or foodstuffs, shall be removed from every property in the Town by the occupant or owner as the case may be no less than once every two (2) weeks and disposed of according to the provisions of this bylaw.
- 12 Occupants and owners of property in Town are responsible for providing for the lawful collection and disposal of all solid waste that is not otherwise subject to municipal collection pursuant to this bylaw.
- 13 Occupants and owners of property in the Town shall at the time of generation, storage, placement for collection and disposal of all solid waste, separate solid waste into uncontaminated separate solid waste streams as follows:
- (1) Container recyclables;
  - (2) Fibre recyclables
  - (3) Residual garbage;
  - (4) Compostable material;
  - (5) Construction and demolition debris;
  - (6) Solid waste of any type which is not accepted at a municipal solid waste management facility, with each such type isolated 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, with each such type isolated in its own stream.
- 14 The occupant and owner 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 limited the generality of the foregoing, recyclables 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.
- 15 Occupants and owners of property shall ensure that waste refrigerators and freezers shall be stored inside a locked or childproof building or shall ensure that the doors are removed from the waste appliance prior to its storage.

### **Collection of Solid Waste**

- 16 Town Council presently provides solid waste collection by means of the Oxford Transfer Station and the methods presently utilized at this location. However, Town Council may by resolution or order provide for general municipal collection of solid waste by its own employees or by a contractor in some or all areas of the Town and for greater certainty and without limiting Council's discretion to employ 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 to properties which are not seasonal and of commercial solid waste generators of a particular type or size or generating not more than a specified volume of solid waste and Council may provide different collection services for any different class of waste generator.
- 17 Town Council may by resolution or order 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, included but not limited to items such as discarded Christmas trees, bulky items not eligible for regular municipal collection, leaf and yard waste, household hazardous waste or other specified solid waste and may limit such special collection to particular areas of the Town, to properties containing not more than a specified number of residential households and to commercial solid waste generators of a particular type or size or generating not more than a specified volume of solid waste.
- 18 Except to the extent authorized by contract with the Town or by public education documents distributed by the Town from time to time, including, but not restricted to, public education documents or notices published in connection with special collection days, persons, businesses, commercial establishments and institutions within the Town placing solid waste for collection shall comply with the following:
- (a) Residual garbage shall be placed in a securely tied, transparent, colorless, plastic, disposable water-proof bag(s) of a dimension not less than 60cm. x 80 cm., and no more than 100 cm. x 150 cm., and each bag shall not exceed a weight of 25 kg.:

- (b) Container recyclables and fibre recyclables shall be placed in separate and securely tied, colorless or blue transparent, plastic, disposable, waterproof bags of a dimension no less than 60 cm. x 80 cm., no more than 100 cm. x 150 cm., and each bag shall not exceed a weight of 25 kg;
  - (c) Compostable material shall be placed in the white plastic compost bucket (pail) provided by the Town of Oxford, provided that:
    - (i) The box has a secure lid;
    - (ii) The box has a support or handle to facilitate the contents being dumped
  - (d) Corrugated cardboard shall be flattened out and securely tied with twine or rope in bundles not exceeding 20 kg. per bundle;
  - (e) Refrigerators and freezers placed for special collection shall:
    - (i) Have any coolant contained in the unit professionally removed and affixed with a “coolant removal sticker” attached to and visible on the appliance; and
    - (ii) Have the door removed from the appliance
  - (f) Subject to maintaining uncontaminated separate solid waste streams, solid waste other than compostables may be placed for collection in waste collection boxes provided that:
    - (i) The box has a securely hinged lid or lids;
    - (ii) The box has a support to hold the lid open while the contents are being emptied;
    - (iii) The box is designed to avoid the entrapment of children; and
    - (iv) The solid waste is placed within the box in accordance with all other requirements of this section, including placement in specified bags.
- 19 No person shall place solid waste for collection on a property other than a property owned or occupied by that person or in respect of which the person has obtained the consent of the owner or occupier for that purpose.
- 20 Except to the extent authorized by contract with the Town or by public education documents distributed by the Town from time to time, no person shall place for collection any hazardous waste, hospital and pharmaceutical waste, asbestos, septic waste, hot ashes, dead animals, industrial waste (including non-residential farm, forestry or fishing waste), tires, waste generated outside the Town or any other materials or solid waste as may be identified as unacceptable for collection in public education documents distributed by the Town from time to time.
- 21 Except as authorized by the Town, no person shall remove recyclables or other solid waste placed or apparently placed by waste generators, owners or occupants for municipal collection and all recyclables shall become the property of the Town from the moment of placement by the waste generator, owner or occupant for municipal collection. Nothing in this section otherwise relieves a waste generator, owner or occupant from their obligations pursuant to this bylaw.

**Prohibitions**

- 22 No person shall export or remove solid waste material generated within the Town of Oxford outside the boundaries of Cumberland County and all such solid waste shall be disposed of within the boundaries of Cumberland County in accordance with this By-Law, except when and as authorized by a Resolution of Council.
- 23 For the purpose of Section 22, solid waste means solid waste materials, including but not limited to, residual waste, industrial, commercial and institutional waste, construction and demolition waste, mixed waste, and organic materials, but does not include recyclable materials from industrial, commercial and institutional sector premises, pathogenic or biomedical waste, or hazardous waste, materials.

**Enforcement and Penalty**

- 24 Any person who contravenes any provision of this bylaw is punishable on summary conviction by a fine of not less than \$100.00 and not more than \$2,000.00 and to imprisonment for no more than 30 days in default of payment thereof.
- 25 Proof that solid waste that was deposited or placed in contravention of this by-law originated from a particular person shall be evidence that the person so deposited or placed the solid waste or did cause or permit it to be so deposited or placed, in the absence of evidence to the contrary.

Clerk’s Annotation for Official Bylaw Book

Date of First Reading:	03 August 2021
Date of advertisement of Notice of Intent to Consider:	11 August 2021
Date of Final Reading:	30 August 2021
Effective Date:	08 September 2021
*Date of advertisement of Passage of Bylaw:	08 September 2021
Date of mailing to Minister a certified copy of the Bylaw:	09 September 2021

**THIS IS TO CERTIFY THAT** this Bylaw was adopted by Council and published as indicated above.

\_\_\_\_\_  
Mayor Date \_\_\_\_\_

\_\_\_\_\_  
Town Clerk Date \_\_\_\_\_

\*Effective Date of Bylaw unless otherwise specified in the text of the Bylaw

Resolution to Permit Export of Materials by GFL Environmental Inc.

The partner municipalities of the CJSMA have agreed to sell the assets of the Cumberland Central Landfill and the agreement specifically allows the purchaser to export solid waste. This is required as part of the purchaser's business plan.

The purchaser has requested additional by-law amendments to ensure (i) continuity of flow-control of Solid Waste to the facility in Little Forks and (ii) to expressly provide export rights for the purchaser after the sale of the facility. With those amendments now considered, a resolution will be required to permit GFL to export waste.

**MOTION:**

**That Council authorize the exportation or removal of solid waste material generated within the Town of Oxford outside the boundaries of Cumberland County by GFL Environmental Inc. effective February 1, 2022 pursuant to articles 22 and 23 of the Solid Waste Bylaw, #02-02.**

## Amendments to Waste Resource Benefits Agreements

The partner municipalities of the CJSMA have agreed to sell the assets of the Cumberland Central Landfill and the agreement specifically allows the purchaser to export solid waste. This is required as part of the purchaser's business plan. Recognizing that the current purchase and sale transaction is based on historical waste volumes resulting from existing flow control measures, the Waste/Resource Benefits Agreement is also proposed to be amended to include a price adjustment provision that would apply in the event the Town deems it necessary at some future time to exempt certain waste streams from the flow control regime.

**MOTION: That Council approve the attached resolution authorizing the amendment of the Waste Resource Benefits Agreement.**

Resolution to authorize amendments to the Waste Resource Benefits Agreement

That Council authorize the following amendments to the Waste/Resource Benefits Agreement among the Municipality of the County of Cumberland, the Town of Amherst and the Town of Oxford and GFL Environmental Inc.:

**The addition of Section 4.02:** The Town acknowledges and agrees that if permission is given to any person under its by-laws, other than GFL, to export Designated Town Waste that would otherwise be required to be deposited at the Facility, the Town will provide reasonable notice to GFL of such permission being granted. If the volume of Designated Town Waste delivered to the Facility is reduced as a result of the aforementioned permission, the Parties agree to negotiate an adjustment to the Tip Fees provided in Section 3.04 for the specific type of Designated Town Waste affected and by an amount proportionate to the reduction of that specific type of Designated Waste directly attributable to the permission granted by the Town. If the parties cannot agree to an adjustment to the Tip Fees, the matter shall be determined pursuant to the dispute resolution process outlined in section 12 below.

**The amendment of Section 3.04(b)** to change the CPI Adjustment date from January 1, 2022 to July 1, 2022.