

**HALIFAX REGIONAL MUNICIPALITY
BY-LAW L-200**

**RESPECTING LICENSING OF CONSTRUCTION AND DEMOLITION MATERIALS
RECYCLING AND DISPOSAL OPERATIONS**

WHEREAS it is the desire of the Halifax Regional Municipality to:

- a) Maximize diversion from landfill through recycling of construction and demolition debris in keeping with the Halifax Regional Municipality Solid Waste Resources Strategy;
- b) Increase economic activity and value-added processing through recovery of construction and demolition debris;
- c) Provide an opportunity to properly dispose of construction and demolition debris that cannot be recycled;
- d) Ensure minimal environmental, land use and nuisance impacts from the operation of construction and demolition debris processing and disposal operation.

SHORT TITLE

1. This by-law shall be known as By-Law Number L-200 and may be cited as the AC&D Materials Recycling and Disposal License By-Law".

INTERPRETATION

2. In this By-Law:

- a) **Administrator** means the person appointed by the Chief Administrative Officer to administer this by-law, or their designate;
- aa) **Appeals Committee** means the Appeals Committee established pursuant to Halifax Regional Municipality By-Law A-100, the Appeals Committee By-Law.
- b) **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 other landscaping material, 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.
- ba) **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, or Residue remaining from C&D Processing Facilities, are disposed of by land application or burying, and shall not include the use of inert C&D Materials approved by the Department, for site rehabilitation within gravel pits and quarry operations licensed by the Province of Nova Scotia.

- c) **Construction and Demolition Materials Processing Facility**, hereinafter referred to as a C&D Processing Facility, means lands and/or buildings or part of a building used to sort, alter, grind, or otherwise process, C&D Materials for reuse or recycling into new products, or sorted for subsequent transport for disposal, and shall not include a Used Building Material Retail Outlet, an operation that processes inert C&D Materials on the site of generation and the material processed does not leave the site except for inert C&D materials described in Sub-Section 9(3), deconstruction of a building on site, a municipal processing facility for used asphalt and concrete, or facilities associated with reclamation of a gravel pit or quarry operations licensed by the Province of Nova Scotia or forestry manufacturing processing.
- d) Repealed.
- e) **Construction and Demolition Materials Transfer Station**, hereinafter referred to as a Transfer Station, means land and/or buildings or part of a building at which C&D Materials are received and sorted for subsequent transport for disposal or to a C&D Processing Facility.
- f) **Construction and Demolition Residue**, hereinafter referred to as Residue, means material remaining from the processing and/or sorting of C&D Materials for which there is no reasonable use or potential use or market.
- fa) **Department** means the Nova Scotia Department of Environment and Climate Change, or such other department listed under the *Public Service Act* whose Minister is responsible for the administration of Acts, orders and regulations relating to the environment.
- g) **Hazardous Substance** means any hazardous, toxic, or dangerous substance or material, and includes any substance or material declared or defined to be a hazardous or toxic substance in or pursuant to any applicable law.
- ga) **Operator** includes the owner of the property where any portion of a C&D Processing Facility, a Transfer Station or a C&D Disposal Site is located.
- gb) **Solid Waste** means garbage, refuse, sludge, rubbish, tailings, debris, litter and other discarded materials resulting from residential, commercial, institutional and industrial activities.
- h) Repealed.

- i) **Used Building Material Retail Outlet** means land and/or buildings or part of a building where C&D Materials are sorted and available for resale with incidental and minimal alteration of the materials and where activity primarily occurs inside a building.
- j) Repealed.
- k) Repealed.
- l) Repealed.

LICENSE REQUIREMENTS

- 3. (1) No person shall operate a C&D Processing Facility, Transfer Station or a C&D Disposal Site in Halifax Regional Municipality without having first obtained and maintained in effect a license granted by Halifax Regional Municipality therefor.

(1A) No Person shall operate a C&D Processing Facility, Transfer Station or a C&D Disposal Site in Halifax Regional Municipality without having first obtained and maintained in effect an Environmental Approval granted by the Department.

(2) The application for a C&D Processing Facility, Transfer Station or a C&D Disposal Site license shall be made in writing to the Administrator.

(3) The application for a C&D Processing Facility, Transfer Station or a C&D Disposal Site license shall include:

- a) The name, home and business address of the Operator, and the name and address of the owner if other than the Operator;
- b) A comprehensive diversion strategy or plan which demonstrates the ability to achieve targets outlined in Section 9 of this By-Law which shall include but is not limited to:
 - (i) forecast of incoming tonnage and type;
 - (ii) forecast processing method and output products;
 - (iii) forecast of expected diversion rate;
 - (iv) processing details (e.g., sorting, shredding);
 - (v) identification of material end uses and markets;
 - (vi) forecast of Residues to be disposed;

- ba) A Litter Management Plan outlining measures to be taken to limit the impact of litter related to the site on the local community, which shall include but is not limited to:
 - (i) physical controls (e.g., fencing);
 - (ii) site and vicinity inspection and cleanup frequency;
 - (iii) incoming load inspection and education related to secured loads; and
 - (iv) consideration for mitigating community litter related to operations;
- c) An insurance policy meeting the conditions of Section 5;
- ca) A declaration informing the Administrator of any environmental convictions or offences related to the site committed by the Operator pursuant to the *Nova Scotia Environment Act*, S.N.S. 1994-95, c 1 and the regulations made thereunder, or Halifax Regional Municipality By-Laws, or Orders issued by any Court of Law in Canada or regulatory body, if applicable from 5 years prior to the date of application;
- cb) A declaration confirming with the Administrator that no environmental convictions, offences or Orders related to the site against the Operator have occurred since the time of the issuance of the most recent license;
- d) A development permit issued by the Development Officer of the Halifax Regional Municipality for the use of the site as a Transfer Station or a C&D Processing Facility, or a C&D Disposal Site;
- e) The Environmental Approval issued under the Nova Scotia Environment Act Solid Waste Resource Management Regulations or subsequent amendments;
- f) A license fee in the amount of \$500;
- g) Repealed;
- h) Repealed; and
- i)
 - a) A Records Management Plan which meets the requirements of Section 8; and
 - b) Repealed; and

- j) A copy of the Operation and Maintenance Manual submitted as part of the Environmental Approval, approved by the Department and which addresses the conditions specified in Section 10.

(4) If the applicant meets all of the requirements of subsection (3), the Administrator shall issue a C&D Processing Facility License, Transfer Station License, or a C&D Disposal Site License, as the case may be, to the Operator.

(5) A license issued under this By-Law shall expire on the same date as the Environmental Approval issued by the Department, unless the license has otherwise been revoked by the Municipality prior to that date.

(5A) Where the Department has revoked or suspended the Environmental Approval, the Administrator may suspend or revoke the license.

(6) The Administrator shall maintain a permanent record of each license issued pursuant to this By-Law.

(7) A license issued under this By-Law shall be issued to a particular person and in respect of a particular location. Subject to the approval of the Administrator, a license may be transferred to a new Operator of the property for which the License was issued.

RENEWAL OF LICENSE

- 4. A Transfer Station, C&D Processing Facility or C&D Disposal Site License may be renewed provided that the license holder continues to meet all of the requirements of this By-Law and submits proof satisfactory to the Administrator the license holder has complied with the annual reporting requirements contained in Section 8.

INSURANCE AND BONDING

- 5. (1) The Operator of a C&D Processing Facility, Transfer Station or a C&D Disposal Site shall maintain Commercial General Liability insurance with limits of not less than \$5,000,000 per occurrence, in effect at all times. Halifax Regional Municipality shall be included as an Additional Insured.
- (2) The Operator shall maintain an Environmental Impairment Liability insurance with limits of not less than \$5,000,000 per occurrence, in effect at all times. The policy is to cover any environmental liabilities for incidents, including damage and clean up, that arises out of the work being performed at a Transfer Station, C&D Processing Facility, or C&D Disposal Site, and any associated third-party claims. Halifax Regional Municipality shall be included as an Additional Insured.
- (3) Repealed.

(4) Repealed.

SUSPENSION OR REVOCATION OF LICENSE

6. (1) The Administrator may from time to time enter upon any property or structure which is the subject of a license under this By-law and carry out an inspection of that location to ensure compliance.
- (2) A license 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 License shall be in writing to the applicant.
- (3) Based on the findings of an inspection carried out under any part of this By-Law, the Administrator may require, by notice in writing, a plan to identify actions that will be taken to align the operation with license and regulatory requirements within a specified timeframe.
- (4) The Administrator may, at their discretion and based upon the findings of an inspection carried out under any part of this By-Law, require by notice in writing a plan regarding diversion or compliance with any provision of this By-Law within the time specified in the notice or such additional time to be granted by the Administrator.
- (5) A failure to comply with a notice given pursuant to this Section is an offence.

APPEAL

- 7 (1) Any person whose application for a license under this By-Law has been refused, suspended or revoked by the Administrator may appeal such refusal, suspension or revocation to the Appeals Committee.
- (2) Such appeal shall be in writing in the form of a notice, and shall be filed with the Municipal Clerk, within fifteen (15) days of such refusal, suspension or revocation, and shall clearly state the grounds for such appeal.
- (3) A copy of such notice shall be served within such time upon the Administrator.
- (4) The Appeals Committee shall hear such appeal at such time and place as it determines and may confirm such refusal or revocation by the Administrator or may direct the Administrator to issue or reinstate the license.
- (5) If the Appeals Committee directs the Administrator to issue or reinstate such license he or she shall immediately do so.

RECORDS

8.
 - (1) All loads of C&D Material, processed material or Residue arriving or leaving a Transfer Station, C&D Processing Facility or a C&D Disposal Site shall be weighed and records shall be kept of all loads.
 - (2) The operator of a Transfer Station, C&D Processing Facility or C&D Disposal Site shall, at the end of each month of operation, report to the Administrator, in a form acceptable to the Administrator, the total weight and nature of all materials received at the site, and the destination facility for all materials removed from the Site for beneficial reuse or disposal in accordance with municipal and provincial regulations.
 - (3) The Operator of a Transfer Station, C&D Processing Facility or C&D Disposal Site shall report to the Administrator on an annual basis and no later than January 31 of each year:
 - (a) the end of year tonnage report, including final diversion statistics;
 - (b) an updated Operation and Maintenance Manual, if any changes were made in the previous year;
 - (c) an overview of the diversion strategy and innovations;
 - (d) a declaration by the Operator that no violations of any part of this By-Law have occurred;
 - (e) a declaration by the Operator that the Transfer Station, C&D Facility or C&D Disposal Site maintains an Environmental Approval in good standing;
 - (f) copies of any directives, responses and closeout documentation submitted to the Department;
 - (g) a copy of applicable insurance policies maintained by the Operator; and
 - (h) an overview of activities conducted under the litter management plan.
 - (4) The Operator shall notify the Administrator in a timely manner of any incidents or complaints relevant to or affecting the operation of the site, including but not limited to fire, water or other damage.
 - (5) Upon written request from the Administrator, the Operator shall provide copies of any environmental reports submitted to the Department.

RECYCLING TARGETS

9. (1) The following materials shall not be disposed of in a Construction and Demolition Debris Disposal Site:

- (a) asphalt paving;
- (b) aggregate and soil;
- (c) brush and leaves;
- (d) concrete;
- (e) milled wood free of adhesives, coatings and preservatives;
- (f) porcelain, ceramic;
- (g) root balls and stumps;
- (h) scrap metal;
- (i) window glass; and
- (j) all materials banned from disposal under the Nova Scotia Solid-Waste Resource Management Regulations and subsequent amendments.

(2) All incoming C&D materials arriving at a C&D Processing Facility or Transfer Station shall be recycled or otherwise diverted from disposal as follows:

- (a) Where a C&D Processing Facility or Transfer Station has been operating for one year or less, a minimum of fifty per cent (50%) shall be recycled or otherwise diverted;
- (b) Where a C&D Processing Facility or Transfer Station has been operating for between one and five years, a minimum of sixty per cent (60%) shall be recycled or otherwise diverted;
- (c) Where a C&D Processing Facility or Transfer Station has been operating for five or more years, a minimum of seventy-five per cent (75%) shall be recycled or otherwise diverted;
- (d) Where a C&D Processing Facility or Transfer Station commenced operation prior to the calendar year of 2025 a minimum of seventy-five per cent (75%) shall be recycled or otherwise diverted.

(3) All C&D materials shall be transported from the place of generation to either a Transfer Station or a C&D Processing Facility, except inert C&D materials approved for site rehabilitation or infilling within gravel pits or quarry operations licensed by the Province of Nova Scotia or as approved for use pursuant to the Lot Grading By-law.

(4) Notwithstanding Section 11(2) of this By-Law, any person who contravenes or fails to comply with any provision of Section 9 of this By-Law shall for each offence be liable to a penalty of not less than \$500.00 and not exceeding \$10,000.00 and in default of payment to imprisonment for a period not exceeding 90 days; and each day that the offence continues shall constitute a new offence.

SITE REQUIREMENTS

10. (1) Repealed.

(2) Repealed.

(3) Repealed.

(4) All work or activity associated with a Transfer Station, C&D Processing Facility or C&D Disposal Site shall only be permitted between the hours of 7:00 a.m. to 8:00 p.m. Monday to Friday, inclusive and from 7:00 a.m. to 5:00 p.m. on Saturday and no work or activity shall be conducted on any day of the week outside of the permitted hours or on Sunday and the following holidays: New Years Day, Good Friday, Canada Day, Remembrance Day and Christmas Day. The Site shall be gated to restrict access during non-operational hours;

(5) Notwithstanding Subsection (4), the Administrator may permit the hours of operation to be expanded if the site

- (i) is located within an industrial park owned or managed by Halifax Regional Municipality;
- (ii) is located within an industrial land designation;
- (iii) does not abut any residentially or community facility zone; or
- (iv) is not located within 250 metres of a residential or commercial facility use of building.

(6) Repealed.

(7) Repealed.

(8) No C&D Materials shall remain on site of a C&D Processing Facility longer than one year.

- (9) Where there is less material removed from Site of a C&D Processing Facility than was received in any one calendar year, the operation shall be deemed to be in violation of this By-Law.
- (10) Notwithstanding subsection (8) and (9), in the first year of operation, there may be a maximum of ten per cent of the total weight of incoming material arriving during that year left on site of a C&D Processing Facility as inventory, but shall be removed from the Site before the end of the next calendar year.
- (11) Repealed.
- (12) No C&D Material shall remain on a site of a Transfer Station longer than 15 days.
- (13) No hazardous Substances shall be delivered to a Transfer Station, C&D Processing Facility or C&D Disposal Site other than those which are incidental to, and inadvertently delivered with, C&D Materials.
- (14) No Solid Waste other than C&D Materials shall be delivered to a Transfer Station, C&D Processing Facility or C&D Disposal Site other than those which are incidental to, and inadvertently delivered with, C&D Materials.
- (15) The operator of a Transfer Station or C&D Processing Facility shall be responsible for removal of all materials accumulated under this Section to a C&D Processing Facility or C&D Disposal Site.
- (16) All C&D materials acceptable for disposal at a C&D Disposal Site shall be disposed at the C&D Disposal Site within 48 hours of receipt of same. C&D materials arriving at a C&D Disposal Site that can not be disposed at a C&D Disposal Site are to be removed within 30 days of receipt of same. Hazardous Substances and Solid Waste which are incidental to, and inadvertently delivered with C&D Materials to a C&D Disposal Site are to be removed from the C&D Disposal Site within 24 hours operating of receipt of same.

OFFENSE AND PENALTY

- 11. (1) Any person who contravenes or fails to comply with any other provision of this By-Law shall for each offence be liable to a penalty of not less than \$500.00 and not exceeding \$10,000.00 and in default of payment to imprisonment for a period not exceeding 90 days; and each day that the offence continues shall constitute a new offence.
- (2) A person who is alleged to have violated this By-law and is given notice of the alleged violation may pay a penalty in the amount of \$500.00 to the Halifax Regional Municipality provided that said payment is made within a period of fourteen (14) days following the day on which the notice was served and where the said notice so provides for

payment in this manner, and such payment shall be in full satisfaction, releasing and discharging all penalties and imprisonments incurred by the person for said violation.

(3) In addition to any fine or imprisonment imposed pursuant to subsection (1), the Court or judge 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.

(4) 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 in the manner and within the time specified in the written direction.

REPEAL

12. Administrative Order 27, Respecting Materials That Shall Not Be Disposed Of In A C&D Disposal Site, is repealed and replaced with this By-Law L-202.

Done and passed in Council this 3rd day of July, 2001

MAYOR

MUNICIPAL CLERK

I, Vi Carmichael, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax Regional Council held on, July 3, 2001.

Vi Carmichael, Municipal Clerk

By-Law L-200

Notice of Motion:	April 10, 2001
First Reading:	May 15, 2001
ANotice of Intent@ Publication:	May 19, 2001
Second Reading:	July 3, 2001
Approval of Minister of Housing & Municipal Affairs:	N/A
Effective:	July 21, 2001

No. 1 L-201

Amendments - additions and deletions to Section 2, 3, 5, 6, 9, 10 and 11

Notice of Motion:	June 11, 2002
First Reading:	June 18, 2002
ANotice of Intent@ Publication:	June 22, 2002
Second Reading:	July 9, 2002
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	July 13, 2002

No. 2 By-law V-101

Amending Section 11

Notice of Motion:	August 19, 2003
First Reading:	August 26, 2003
ANotice of Public Hearing@ Publication:	September 6, 2003
Second Reading:	September 23, 2003
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	September 27, 2003

No. 3 By-law A-500

Amending Section 2 & 7

Notice of Motion:	March 20, 2012
First Reading:	March 27, 2012
Notice of Second Reading Publication:	March 31, 2012
Second Reading:	April 17, 2012
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	April 21, 2012

No. 4 By-law L-202

Amendments – additions and deletions to sections 2, 3, 4, 5, 6, 8, 9, 10

Repeals and replaces Administrative Order 27

Notice of Motion:	June 10, 2025
First Reading:	June 24, 2025
Notice of Second Reading Publication:	June 28, 2025
Second Reading:	August 5, 2025
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	August 23, 2025