



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 15.2.1
Halifax Regional Council
May 21, 2024

TO: Mayor Savage Members of Halifax Regional Council

SUBMITTED BY: Original Signed

Councillor Tony Mancini, Chair, Environment and Sustainability Standing
Committee

DATE: May 2, 2024

SUBJECT: **Illegal Dumping and Litter Abatement Enforcement Update**

ORIGIN

May 2, 2024 meeting of Environment and Sustainability Standing Committee, Item 13.1.1.

LEGISLATIVE AUTHORITY

Legislative Authority is outlined in the attached staff report dated April 3, 2024.

Administrative Order One, *Respecting the Procedure of the Council*, Schedule 5 Environment and Sustainability Standing Committee Terms of Reference:

Purpose

1. (1) Subject to subsection 1A, the purpose of the Environment and Sustainability Standing Committee is to provide advice to the Council relating to the Environment and Sustainability including Solid Waste Resources, energy security and sustainable parks, forests (urban and rural) and open spaces and water resource management.

Solid Waste Resource Management

3. The Environment and Sustainability Standing Committee shall:

(a) advise the Council on matters respecting solid waste management, including the responsibility to receive reports and to keep the Council informed respecting all matters related to the solid waste management program in the municipality;

RECOMMENDATION

The Environment and Sustainability Standing Committee recommends that Halifax Regional Council adopt By-law S-613, amending By-law S-600, the *Solid Waste Resource Collection and Disposal By-Law*, as set out in Attachment D of the staff report dated April 3, 2024.

BACKGROUND

Environment and Sustainability Standing Committee received a staff recommendation report dated April 3, 2024 to consider the adoption of By-law S-613, amending By-law S-600, the *Solid Waste Resource Collection and Disposal By-Law*.

For further information refer to the attached staff report dated April 3, 2024.

DISCUSSION

Environment and Sustainability Standing Committee considered the staff report dated April 3, 2024 and approved the recommendation to Halifax Regional Council as outlined in this report.

FINANCIAL IMPLICATIONS

Financial implications are outlined in the attached staff report dated April 3, 2024.

RISK CONSIDERATION

Risk consideration is outlined in the attached staff report dated April 3, 2024.

COMMUNITY ENGAGEMENT

Meetings of the Environment and Sustainability Standing Committee are open to public attendance and members of the public are invited to address the Standing Committee for up to five (5) minutes during the Public Participation portion of the meeting. Meetings are live webcast on Halifax.ca. The agenda, reports, video, and minutes of the Standing Committee are posted on Halifax.ca.

For further information on Community Engagement refer to the attached staff report dated April 3, 2024.

ENVIRONMENTAL IMPLICATIONS

Environmental implications are outlined in the staff report dated April 3, 2024.

ALTERNATIVES

Alternatives are outlined in the attached staff report dated April 3, 2024.

ATTACHMENTS

Attachment 1 – Staff recommendation report dated April 3, 2024.

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Dorothy Maponga, Legislative Assistant, Municipal Clerk's Office 902.478.2408

P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 13.1.1
Environment and Sustainability Standing Committee
May 2, 2024

TO: Chair and Members of Environment and Sustainability Standing Committee

SUBMITTED BY: **-ORIGINAL SIGNED-**

Cathie O'Toole, Chief Administrative Officer

DATE: April 3, 2024

SUBJECT: **Illegal Dumping and Litter Abatement Enforcement Update**

ORIGIN

At the February 25, 2021 meeting of Halifax Regional Council, a motion was PUT and PASSED to:

Adopt By-law S-612, the purpose of which is to amend By-law S-600, Respecting Solid Waste Resource Collection and Disposal.

These amendments were made to address enforcement measures against illegal dumping and litter abatement. This report serves as the first progress report from staff on these efforts.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, 2008, c. 39, clauses 188(1)(d),(f), and 335(b), as follows:

- 188 (1) The Council may make By-laws, for municipal purposes, respecting:
- (d) nuisances, activities and things that, in the opinion of the Council, may be or may cause nuisances ...
 - ...
 - (f) businesses, business activities and persons engaged in business...
- 335 The Council may make By-laws respecting solid waste, including, but not limited to:
- (b) regulating the disposal, collection and removal of solid waste...

Administrative Order 2017-002-ADM Charter of Governing Principles for Regulation.

Administrative Order One, the *Procedures of the Council Administrative Order*, Schedule 5. Terms of Reference, Environment and Sustainability Standing Committee, as follows:

3. The Environment and Sustainability Standing Committee shall:

- (a) advise the Council on matters respecting solid waste management, including the responsibility to receive reports and to keep the Council informed respecting all matters related to the solid waste management program in the municipality; and

RECOMMENDATION

It is recommended that the Environment and Sustainability Standing Committee recommend the Halifax Regional Council adopt By-law S-613, amending By-law S-600, *the Solid Waste Resource Collection and Disposal By-Law*, as set out in Attachment D of this report.

BACKGROUND

Illegal dumping and litter happen when waste materials such as garbage, recyclables, and construction debris are improperly discarded. Illegal dumping occurs in wooded or other ‘out of the way’ areas, on the side of the road, and next to commercial containers at businesses and institutions. Illegal dumping and litter are problematic as they impact the environment, property values, public safety, and general quality of life.

In 2021, Halifax Regional Council approved amendments to *By-law S-600 Solid Waste Resource Collection and Disposal By-law* (By-law S-600)¹ based on the following principles:

1. Place the municipality in a leadership role to address an issue of concern for residents and businesses; and
2. Reduce the burden on victims by holding more offenders accountable to remedy/clean-up; and
3. Heighten the profile of enforcement activities to deter future violations/activity.

Prior to 2021, public complaints with respect to illegal dumping submitted to Halifax Regional Police (HRP), RCMP, HRM Municipal Compliance, or Nova Scotia Environment & Climate Change (NSECC) would be addressed depending on case load, with priority given to matters of public safety. Charges for illegal dumping typically had to be made under provincial regulations (Environment Act, Motor Vehicles Act or Protection of Property Act), meaning municipal staff were limited in enforcement options. A summary of key roles and statistics for each of the noted organizations (as reported in the 2021 staff report) is included below.

Table 1: Summary of Key Roles/Statistics Relative to Illegal Dumping, Pre-2021

Department	Legislation	Key Statistics for 2020
Municipal Compliance	By-law S-600 Halifax Charter ²	<ul style="list-style-type: none"> • 2 Summary Offence Tickets • 97 complaints received
HRP	By-law S-600 Environment Act	<ul style="list-style-type: none"> • 3 Summary Offence Tickets • 42 total complaints received
RCMP	Environment Act Motor Vehicle Act Protection of Property Act	<ul style="list-style-type: none"> • 2 Summary Offence Tickets • 3 Warnings • 56 files opened
NSECC	Environment Act	<ul style="list-style-type: none"> • 20 complaints received

The amendments made to By-law S-600 in 2021 embedded the responsibility for enforcement in the Solid Waste Resources (SWR) division, in line with subject matter expertise and commitment to proper waste

¹ [Halifax Regional Council Staff Report. Amendments to By-Law S-600: Illegal Dumping and Litter Abatement. February 25, 2021.](#)

² In cases where a property becomes dangerous or unsightly, HRM Municipal Compliance may address cases under the Halifax Charter.

management. Solid Waste Diversion Planning Officers³ (Diversion Officers) have experience searching waste and are comfortable with the safety procedures that have been established for this practice. To support illegal dumping enforcement activities, an additional Diversion Officer position was added to SWR in the fall of 2021.

Enforcement practices are further supported through the education and promotion priorities of the department helping to raise public awareness around proper waste disposal options and best practices for management of materials.

Residents can report illegal dumping or litter complaints by contacting 311. Additionally, illegal dumping complaints may be submitted via the Halifax Recycles app. Highlights of the amended by-law measures follow.

Illegal Dumping

The addition of a definition of illegal dumping, and sections addressing the activity in By-law S-600, gave authority to Diversion Officers to issue summary offence tickets or lay charges, without involving police or provincial resources. The by-law includes the concept of reverse-onus which was adapted from the Cape Breton Regional Municipality Solid Waste By-Law. This means a person whose name or address is identified within waste that has been illegally dumped is presumed to be the owner of the waste. Should they be unable or unwilling to provide the name of the person responsible for dumping the waste, they are responsible for the clean-up and resulting summary offence ticket if required. Fine amounts range from \$500 to \$10,000 (plus associated court costs).

Litter Abatement

The 2021 amendments incorporated sections of the Environment Act - Part III on Litter Abatement, and sections implemented by the Cape Breton Regional Municipality to address litter clean up on commercial properties, and to provide options for disposal before material is tossed from vehicles. Key points included in these provisions are:

- Requirement for commercial properties to provide accessible litter receptacles onsite, including in drive-thrus;
- Responsibility for cleaning debris from on the property, extending 15 meters onto abutting property (unless access is denied by the property owner).
- Fine amounts range from \$200 to \$10,000 (plus associated court costs).

Public Engagement/Outreach

The launch of enforcement for illegal dumping and litter abatement was accompanied by a multi-media *Be Responsible for Your Waste* campaign in November 2021. This campaign included social media, television, newspaper print and billboard advertisements. An example of the campaign imagery is shown in Figure 1 below. The campaign included three phases:

1. Raising awareness of proper disposal options;
2. Exploring the social and environmental burdens of illegal dumping; and
3. Reinforcing the consequences of illegal dumping.

³ Diversion Planning Officers are responsible for the enforcement of the sections of By-law S-600 relative to commercial properties, L-200 Respecting Construction & Demolition Facilities and F-400 Respecting Flyer Delivery. They are appointed Special Constables under the NS Police Act, with the authority to enforce HRM By-laws.

This messaging has been incorporated into the regular SWR communications plan, with campaigns running periodically through the year. Residents can learn about how to report illegal dumping, view statistics and download resources on how to mitigate dumping by visiting www.Halifax.ca/illegaldumping.



Figure 1: Sample Illegal Dumping Campaign Images

A handout on *Preventing Illegal Dumping* (Attachment A) has been developed to educate property owners on how they can mitigate illegal dumping on their property. The handout includes tips on bin placement, signage, and monitoring of bins.

DISCUSSION

Illegal Dumping

With the launch of dedicated enforcement resources and targeted education and promotion campaigns, a significant increase in calls reporting illegal dumping was anticipated and received. This increase should not be viewed as an increase in illegal dumping activity, it is more a reflection that historically not all complaints were able to be investigated or recorded (i.e., due to lack of dedicated resources and changes in how complaints are recorded). A summary of Key Statistics for the first two years of the SWR illegal dumping enforcement program is shown below in Table 2.

Table 2: Key Illegal Dumping Enforcement Statistics – Solid Waste Resources

	November 2021 – March 2022	2022/2023	2023/2024
Cases investigated	128	504	619
Cases with in-sufficient evidence to action	57	244	326
Education/Warnings to Accused	23	97	121
Clean-ups by Offender	12	54	46
Summary Offence Tickets Issued	13	27	35
Court Cases with Convictions	1	1	2
Court Cases - Found not Guilty	0	0	1

Enforcement continues to take an ‘education before ticket’ approach. Diversion Officers review circumstances on a case-by-case basis, evaluating appropriate measures. While the first course of action is to have the person responsible for the dumped material clean up, this is not always feasible. Where there is a lack of identifying information⁴ or when the accused cannot be located, clean-up of material does fall to the property owner.

SWR has worked closely with HRM Parks and Infrastructure, Maintenance and Operations (IMO) staff to address illegal dumping on municipal property. As shown in Table 3 below, HRM Parks or Right of Way account for a high number of illegal dumping complaints. When dumping occurs in HRM Parks or in the Right of Way, priority is given to removing the debris immediately, which limits restorative enforcement options (i.e., having the accused clean the material). In cases where a name is identified, warnings may be issued.

Since enforcement efforts began in November 2021, much insight has been gained into illegal dumping and how the activity differs in HRM as compared to other jurisdictions in Nova Scotia. Illegal dumping is often thought of as occurring in rural areas, and mainly comprised of construction related debris. As investigations are complaint driven, it is unknown whether there are unreported instances of dumping that are not reported, however the more urban geography of HRM is reflected in the case characterization shown below in Table 3. This data further explains the high number of cases investigated each year, as prior to 2021, illegal dumping activity in HRM Parks or Right of Way, or at curbside would typically not have been recorded.

Table 3: Characterization of Reported Illegal Dumping Cases – Solid Waste Resources

	2022/2023	2023/2024 (YTD)
Location	<i>Percent of Total Cases</i>	
HRM Park or Right of Way/Roadside	38.0%	48.6%
Residential Curbside	30.9%	16.6%
Private Property (except curbside)	19.2%	18.6%
Provincial/Federal Land/Trails	6.6%	4.3%
Commercial Bins	4.6%	11.8%
Primary Material Type (frequency)	<i>Percent of Total Cases</i>	
Bagged/loose household waste	73.7%	75.4%
Construction Debris	8.8%	8.2%
Appliances/Furniture/Mattresses/Electronics	6.9%	8.4%
Tires/Recycling Bags and miscellaneous	7.6%	6.6%
Material removed prior to inspection	3.0%	1.4%

⁴ Identifying information is found in approximately 50% of cases investigated.

The successes of the illegal dumping enforcement efforts are also evident outside of the data. In addition to SWR working collaboratively with other HRM departments, connections have also been made with provincial agencies and private property owners. This has been critical in providing timely action on complaints, identifying persons responsible, cleaning up material, and implementing mitigation measures.

Several success stories on addressing illegal dumping, and implementing mitigation measures have appeared from the combined efforts of stakeholders, with the following being only a few examples:

- Installation of barriers and clean-up of debris on Old Guysborough Rd in partnership with Halifax International Airport Authority has reduced and/or eliminated instances of dumping on several trail heads and empty lots along the road.
- Clean-up of debris, installation of guard rail and signage, as well as increased monitoring along Upper Governor Street between North and East Preston has decreased the number of incidents and shortened the response time for clean-up.
- Implementation of best practices (signage, locked bins) at commercial and multi-residential properties has reduced and eliminated dumping of material in commercial bins.

Litter Abatement

As of April 1, 2022, all quick service restaurants in the municipality were required to provide litter receptacles in their drive-thru lanes. In fall of 2021, close to 200 letters were sent, notifying restaurants and industry associations of this provision. SWR staff conducted pro-active site visits in early 2022 to further explain the provisions. When follow-up inspections were conducted in April and May, over 95% compliance was observed. Diversion Officers now include litter receptacles as part of their routine inspection protocol for commercial properties, and conduct spot checks of drive-thru lanes during their regular course of work.

To date, most of the enforcement and re-inspections for litter receptacles has been pro-active with only 13 complaints received related to litter blowing around commercial properties. Each of these cases were addressed by the property owner.

Secure/Tarped Loads

Requirements for properly securing (tarped) waste in the back of trucks was already included in By-Law S-600 prior to the 2021 amendments. Given the raised profile of litter mitigation measures in the by-law, staff took a proactive approach to increase monitoring of loads arriving at the Otter Lake Waste Management Facility and the Halifax C&D Ross Rd and Mills Drive locations. Additionally, a handout has been developed by SWR and provided to waste facilities to share with customers (Attachment B), as well as being available on the Halifax.ca website⁵.

Diversion Officers do not have the authority to stop vehicles in transit on roads or highways, however they can issue warnings and/or tickets to vehicles arriving at a waste facility with unsecured loads. On-site inspections were completed in Spring and Summer and Fall 2022⁶. Additionally, Diversion Officers had the opportunity to participate in a motor vehicle inspection check point in October 2022 with the RCMP Traffic Unit on Prospect Road. Educational material was handed out, and drivers were informed that enforcement would commence, starting with verbal warnings. The compliance rates (i.e. loads properly secured/tarped) for the initial inspection are shown below in Table 3.

⁵ [Prevent Litter and Keep Our Roads Safe \(Handout\). www.halifax.ca/litter](http://www.halifax.ca/litter)

⁶ Plans to conduct inspections in summer of 2023 were impacted by wildfire and flood response. Scheduling is underway to reinstate these in spring 2024.

Table 3 – Secure/Tarped Load Compliance Inspections at Waste Facilities in HRM - 2022

Vehicle Type	Homeowner Pick-up Truck	Homeowner Trailer	Commercial Pick-up Truck	Commercial Trailer	Commercial Dump Truck	Commercial Roll-off Bin
Number of Inspections	35	19	77	65	7	44
Warnings Issued ⁷	17	4	36	10	0	1
Compliance Rate	51%	79%	53%	85%	100%	98%

Since completing inspections in 2022, site operators have noted an improvement in the compliance level for materials being secured/tarped. Follow-up Inspections are planned for 2024 to confirm these observations. The findings of these inspections also help inform education and promotion efforts, focusing on compliance for pick-up trucks.

Proposed By-Law S-600 Amendments

The insights gained over the last two and a half years of enforcement efforts have identified sections of the illegal dumping regulations which would benefit from clarifications to ensure:

- the definition of “illegal dumped material” includes smaller quantities of waste (i.e. single bags) and broader interpretation of where it can take place by defining “illegally dumped material” to be material that is deposited or placed without consent, or in a manner or location (property or site), not permitted under the By-law; and
- Simplification of the description of ‘person responsible’ and information required to be provided to the investigating officer.

Currently the definition of “illegally dumped material” is limited to actions that:

- (i) *causes damage, injury, or poses a hazard or potential hazard to people, property, or the environment,*
- (ii) *Must be removed by vehicle transport, or*
- (iii) *requires an environmental clean-up or other remediation to restore the site.”*

In many cases seen within HRM, the severity or volume of material has not met the threshold of some, or all, of the parameters of this definitions. The interpretation of this definition resulted in the one not-guilty verdict shown in Table 2 above. Since the impact of illegal dumping can also be viewed as a nuisance or an economic burden on the victim, the current version does not support the intent of the regulations.

Proposed amendments are presented in Attachment D. These proposed amendments do not change the spirit of the regulations; however, they will provide for more consistent interpretation of those sections.

As well, staff are recommending three housekeeping amendments to: (1) put the definitions in alphabetic order; (2) use, for consistency, lower case letters throughout the By-law to reference the defined term “peace officer”; and (3) revise the definition of “Administrator” so it is gender neutral. These amendments are also included in Attachment D.

⁷ Given this was the first time inspections were conducted, no tickets were issued. Warnings have been logged and drivers informed that future infractions may result in a Summary Offence Ticket.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

COMMUNITY ENGAGEMENT

No community engagement was conducted in the writing of this report.

ENVIRONMENTAL IMPLICATIONS

Waste that is improperly disposed/managed has the potential to contaminate soil and water. This is especially a concern as material begins to degrade and release harmful chemicals through leachate. Dumped material interferes with wildlife either by blocking access to their habitat or entangling them. Certain waste products can also generate combustible gases which can ignite, causing forest fires.

ALTERNATIVES

The Environment and Sustainability Standing Committee could choose not to recommend that Regional Council pass the proposed amendments to this By-law. If Regional Council follows this recommendation, this would result in status quo enforcement of illegal dumping.

ATTACHMENTS

Attachment A – Preventing Illegal Dumping Handout
Attachment B - Tarped Loads Handout
Attachment C – Showing Proposed Amendments to By-law S-600
Attachment D - Amending By-law S-613

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Shannon Betts, Manager – Policy & Enforcement, Solid Waste Resources, 902.476.2470

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Prevent Litter and Keep our Roads Safe



When transporting waste for disposal, material must be covered and secured to prevent litter.

Material blowing off the back of an open vehicle is considered littering and creates unsafe road conditions.

HRM Solid Waste Resource Collection and Disposal By-Law S-600 Section 15 **requires all vehicles transporting waste to be closed or equipped with a tarpaulin (tarp) to contain materials.**

The fine/ticket for not properly securing waste material during transport is \$352.50.

Quick Tips For Securing Material in a Truck or Trailer



A secure load does not slide or shift in vehicle or trailer and materials cannot fall or blow out.

If any part of the load can (or has the potential to) escape your vehicle, the load is not secure.

- Put lighter materials on the bottom and heavier materials on the top.
- Secure heavier material directly to vehicle using ropes, chains, or straps.
- Don't overload the vehicle or trailer.
- Cover load with a tarp.
- Secure tarps using netting, ropes, straps, and/or bungee cords.
- Do not leave loose debris (i.e. coffee cups) in the open bed of a truck.

HALIFAX REGIONAL MUNICIPALITY
SOLID WASTE RESOURCE COLLECTION AND DISPOSAL BY-LAW
BY-LAW No. S – 600

2. DEFINITIONS

2.1 In this By-Law the following words and phrases shall have the following meanings:

DEFINITIONS

2.1 In this By-Law the following words and phrases shall have the following meanings:

(~~ua~~)“Administrator” means a person appointed in writing by the Chief Administrative Officer to administer this by-law, or a person appointed by the Administrator as ~~his~~ **their** designate;

(b) “blue bag recyclables” means glass bottles and jars, aluminum, steel and tin cans, high density polyethylene, low density polyethylene, and polyethylene terephthalate plastic bottles, containers and bags, milk and juice cartons, tetra packs and mini-sip containers or other items as designated by Council from time to time.

(~~eba~~) “boxboard” means cereal, shoe, tissue, detergent, cracker, cookie, baking product and frozen food boxes, toilet paper rolls and paper towel rolls or other similar items.

(~~ac~~) “bulky items” means large items of a household nature including but not limited to furniture, stoves, mattresses, bed springs, barrels, water tanks, dishwashers, pieces of fencing and oil tanks.

(ca) “chute” includes a sloping or vertical channel, tube or slide, which is capable of conveying ICI waste from one level or floor to a lower level or floor;

(qa) “illegally dumped material” means **any waste that is deposited or placed** ~~the depositing of waste in any manner or at any site other than those permitted under this By-law that~~

(i) ~~causes damage, injury, or poses a hazard or potential hazard to people, property or the environment~~ **repeal,**

(ii) ~~must be removed by vehicle transport, or~~ **repeal,**

(iii) ~~requires an environmental clean-up or other remediation to restore the site;~~ **repeal,**

(iv) **at a property or site without the consent of the property owner, or the consent of the person controlling the property or site, upon which the waste was deposited or placed, or**

(v) **in any manner or at any property or site other than those permitted under this By-law;**

(ffc) “~~P~~peace ~~O~~fficer” means a police officer, by-law enforcement officer or a special constable appointed pursuant to the *Police Act*, S.N.S. 2004, c.31;

16A. ILLEGALLY DUMPED MATERIAL

16A.1 No person shall **place,** deposit, or cause the **placement or** deposit of illegally dumped material.

16B. PERSON RESPONSIBLE FOR ILLEGALLY DUMPED MATERIALS

16B.1 Where **illegally dumped material contains information connecting the material to a person, then a person is identified to be the owner of any illegally dumped material**, that person is presumed to have **placed, deposited, or caused the placement or deposit of that material** ~~the materials~~.

16B.2 ~~On the request of a peace officer, a person presumed to have deposited illegally dumped material under s 16B.1 shall provide the peace officer with:~~

- ~~(a) the name and address of the person who deposited the material,~~
- ~~(b) the license plate of any vehicle used to deposit the material, or~~
- ~~(c) any information that allows a peace officer to identify the person who deposited the material. Repeal.~~

16B.2A On the request of a peace officer,

- (a) a person presumed to have placed, deposited, or caused the placement or deposit of illegally dumped material in 16B.1, or
- (b) such other person that was identified by the person under 16B.2A(a) as having placed, deposited, or caused the placement or deposit of illegally dumped material,

shall provide the peace officer, within 48 hours of the request, the information listed in 16B.2B.

16B.2B The person shall provide the peace officer with the following information:

- (a) the name and phone number of the person who placed, deposited, or caused the placement or deposit of the illegally dumped material;
- (b) the license plate and description, including but not limited to the make, model and colour, of any vehicle used to place or deposit the illegally dumped material; or
- (c) any other information that allows the peace officer to identify the person who placed, deposited, or caused the placement or deposit of the illegally dumped material.

16B.2C. A person who knowingly provides the peace officer with false information in response to the peace officer's request shall be guilty of an offence.

16B.3 A person who refuses, fails, neglects, or is unable to provide

- ~~(a) the name and address of the person who deposited the material,~~
- ~~(b) the license plate of any vehicle used to deposit the material, or~~
- ~~(c) any information that allows a peace officer to identify the person who deposited the material~~

~~under section~~ the information listed in 16B.2B within the 48 hours of the peace officer's request, shall be liable for the offence of the person who deposited the materials.

16B.4 A person who provides any of the listed information in ~~section~~ 16B.2B within 48 hours of the peace officer's request rebuts the presumption against them in ~~section~~ 16B.1.

16B.5 ~~On the request of a peace officer, a person identified under section 16B.2 as having deposited illegally dumped material shall provide the peace officer with:~~

- ~~(a) the name and address of the person who deposited the material,~~
- ~~(b) the license plate of any vehicle used to deposit the material, or~~
- ~~(c) any information that allows a peace officer to identify the person who deposited the material~~ **Repeal.**

16B.6 A person who refuses, fails, neglects, or is unable to provide

- ~~(a) the name and address of the person who deposited the material,~~
- ~~(b) the license plate of any vehicle used to deposit the material, or~~
- ~~(c) any information that allows a peace officer to identify the person who deposited the material~~

~~under section 16B.5 within 48 hours of the peace officer's request, shall be liable for the offence of the person who deposited the materials.~~ **Repeal.**

16B.7 In any prosecution under this section, it is a defence if the owner of the illegally dumped materials can prove that the materials ~~were~~ **was** taken or dumped without their knowledge or consent.

HALIFAX REGIONAL MUNICIPALITY
BY-LAW S-613
RESPECTING AMENDMENTS TO BY-LAW S-600
SOLID WASTE RESOURCE COLLECTION AND DISPOSAL BY-LAW

BE IT ENACTED by the Council of the Halifax Regional Municipality that By-law S-600, the *Solid Waste Resource Collection and Disposal By-law*, is amended, as follows:

1. Section 2.1 is amended by:
 - (a) repealing clause (u);
 - (b) re-lettering clause (c) as clause (ba);
 - (c) re-lettering clause (a) as clause (c);
 - (d) de-capitalizing “Peace Officer” in clause (ffc); and
 - (e) adding a new clause (a), as follows:
 - (a) “Administrator” means a person appointed in writing by the Chief Administrative Officer to administer this by-law, or a person appointed by the Administrator as their designate;
2. Clause 2.1(qa) is amended by:
 - (a) adding the words “any waste that is deposited or placed” after the word “means” and before the words “the depositing”;
 - (b) striking out the words “the depositing of waste in any manner or at any site other than those permitted under this By-law that” after the newly added words “or placed” and before subclause (i);
 - (c) repealing subclauses (i), (ii), and (iii); and
 - (d) adding the following subclauses after subclause (iii) of clause (qa) and before clause (r):
 - (iv) at a property or site without the consent of the property owner, or the consent of the person controlling the property or site, upon which the waste was deposited or placed, or
 - (v) in any manner or at any property or site other than those permitted under this By-law;
3. Section 16A.1 is amended by:
 - (a) adding the word and comma “place,” after the word “shall”, and before the word “deposit”;
 - (b) adding a comma after the word “deposit”; and before the word “or”; and
 - (c) adding the words “placement or” after the word “the” and before the words “deposit of”.
4. Section 16B.1 is amended by:

(a) striking out the words and comma “a person is identified to be the owner of any illegally dumped material,” after the first word “Where”;

(b) striking out the words “the materials” after the word “deposited” and before the end of the section;

(c) adding the words and comma “illegally dumped material contains information connecting the material to a person, then” after the first word “Where” and before the newly struck words “a person”;

(d) adding the word and comma “placed,” after the words “have” and before the word “deposited”; and

(e) adding the comma and words “, or caused the placement or deposit of that material” after the word “deposited” and before the newly struck words “the materials” at the end of the section.

5. Section 16B.2 is repealed.

6. The following new sections are added after section 16B.2 and before section 16B.3, as follows:

16B.2A On the request of a peace officer,

(a) a person presumed to have placed, deposited, or caused the placement or deposit of illegally dumped material in 16B.1, or

(b) such other person that was identified by the person under 16B.2A(a) as having placed, deposited, or caused the placement or deposit of illegally dumped material,

shall provide the peace officer, within 48 hours of the request, the information listed in 16B.2B.

16B.2B The person shall provide the peace officer with the following information:

(a) the name and phone number of the person who placed, deposited, or caused the placement or deposit of the illegally dumped material;

(b) the license plate and description, including but not limited to the make, model and colour, of any vehicle used to place or deposit the illegally dumped material; or

(c) any other information that allows the peace officer to identify the person who placed, deposited, or caused the placement or deposit of the illegally dumped material.

16B.2C A person who knowingly provides the peace officer with false information in response to the peace officer’s request shall be guilty of an offence.

7. Section 16B.3 is amended by:

(a) repealing clauses (a), (b) and (c) in their entirety;

(b) striking out the words “under section” after the newly repealed clause (c) and before the numbers and letters “16B.2”;

(c) striking out the letter “s” in the word “materials” after the words “who deposited the” and before the end of the section;

(d) adding the words “the information listed in” after the newly struck words “under section” and before the number “16B.2”;

(e) adding the letter "B" to the numbers and letters "16B.2" after the newly added words "listed in" before the word "within"; and

(f) adding the word "the" after the word "within" and before the number "48".

8. Section 16B.4 is amended by:

(a) striking out the word "section" after the words "information in" and before the numbers and letters "16B.2";

(b) striking out the word "section" after the words "against them in" and before the numbers and letters "16B.1";

(c) adding the word "listed" after the words "any of the" and before the word "information"; and

(d) adding the letter "B" to the numbers and letters "16B.2" after the newly struck word "section" and before the word "within".

9. Sections 16B.5 and 16B.6 are repealed.

10. Section 16B.7 is amended by:

(a) striking out the letter "s" at the end of the word "materials" in both instances in the section;

(b) striking out the word "were" after the second instance of the newly amended "material" and before the word "taken"; and

(c) adding the word "was" after the second instance of the newly amended word "material" and before the word "taken".

Done and passed in Council this ____ day of _____ 202__ .

MAYOR

MUNICIPAL CLERK