

HALIFAX REGIONAL COUNCIL
June 18, 2002

TO: Mayor Kelly and Members of Halifax Regional Council

FROM: 
Stephen D. Adams, Chair
Chebucto Community Council

DATE: June 3, 2002

SUBJECT: Project 00082 - Construction and Demolition (C&D) Waste Management Strategy for HRM: Proposed Amendments to all Municipal Planning Strategies and Land Use By-laws

ORIGIN:

Chebucto Community Council meeting held on April 8, 2002.

RECOMMENDATION:

Chebucto Community Council recommends that Halifax Regional Council:

1. Move First Reading and schedule a Public Hearing to consider proposed amendments to MPSs and LUBs within the jurisdiction of Chebucto Community Council;
2. Approve amendments to the Municipal Planning Strategies and Land Use By-laws within the jurisdiction of Chebucto Community Council, as outlined in Attachments II to V inclusive in the Staff Report dated March 25, 2002, to implement HRM's C&D Waste Management Strategy; and
3. Amend HRM's C&D License By-law (L-200) as outlined in Attachment VI (amendments shown in italics and underlined) of the Staff Report dated March 25, 2002.

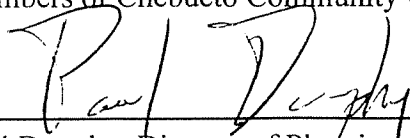
ATTACHMENT:

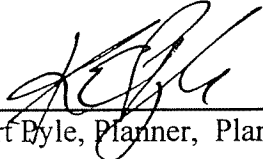
Staff Report dated March 25, 2002.

Chebucto Community Council
April 8, 2002

TO: Members of Chebucto Community Council

SUBMITTED BY:


Paul Dunphy, Director of Planning and Development Services


Kurt Byle, Planner, Planning and Development Services

DATE: March 25, 2002

SUBJECT: Project #00082: Construction and Demolition (C&D) Waste Management Strategy for HRM: Proposed Amendments to all Municipal Planning Strategies and Land Use By-laws

ORIGIN

This report originates from the Public Participation Program adopted by Regional Council on July 10, 2001 as part of the implementation of HRM's C&D Waste Management Strategy. The program calls the detailed amendments to planning documents to be presented by respective Community Council's prior to proceeding to Regional Council.

RECOMMENDATION

It is recommended that Chebucto Community Council recommend that Halifax Regional Council:

- (i) **move first reading and schedule a public hearing to consider proposed amendments to MPSs and LUBs within the jurisdiction of Chebucto Community Council;**
- (ii) **approve amendments to the Municipal Planning Strategies and Land Use By-laws within the jurisdiction of Chebucto Community Council, as outlined in Attachments II to V, inclusive, to implement HRM's C&D Waste Management Strategy; and**
- (iii) **amend HRM's C&D License By-law (L-200) as outlined in Attachment VI (amendments are shown in italics and underlined).**

BACKGROUND

On October 23, 2001, Regional Council adopted in principle a process for amending municipal planning documents as part of implementing HRM's C&D Waste Management Strategy. Subsequently, staff conducted a number of public consultations as follows:

- (i) 6 public meetings (one in each Community Council area)
- (ii) Joint Meeting of Planning Advisory Committee (2 meetings)
- (iii) Joint Meeting of Watershed Advisory Board (also individually)
- (iv) Meeting of those Community Councils without a Planning Advisory Committee

Attachment I summarizes comments of the public consultations. As a result of comments received during the consultation process, Planning Services and HRM Solid Waste prepared draft amendments to the Municipal Planning Strategies (MPS) and Land Use By-laws (LUB) documents.

DISCUSSION

In order for HRM's C&D Waste Management Strategy to achieve its objectives, the C&D License By-law and Municipal Planning Strategies and Land Use By-laws must work together. This basic premise and the results of the public consultation process were used as a basis in preparing the attached amendments to planning strategies and land use by-laws which were summarized as follows:

(1) Amendments to Municipal Planning Strategies and Land Use By-laws:

The amendments proposed to the Municipal Planning Strategies and Land Use By-laws focus on:

Municipal Planning Strategies:

- (a) clarifying preamble and policies; and
- (b) adding new preamble, policies, and evaluation criteria for considering proposals for new C&D operations.

Land Use By-laws:

- (a) revising and adding definitions;
- (b) clarifying wording and requirements;
- (c) reformatting zones;
- (d) inserting zone standards (ie. lot area, frontage, and coverage, yard setbacks, and height of buildings)
- (e) clarifying separation requirements;
- (f) including references to zones wherein vehicular access may not be provided; and
- (g) amending non-CD Zones to prohibit C&D operations as-of-right.

Amendments to the Municipal Planning Strategies and Land Use By-laws within plan areas of Chebucto Community Council are provided in Attachments II to V of this report.

(2) **HRM's C&D License By-law:**

The proposed amendments to the C&D License By-law focus on:

- (a) clarifying and adding new definitions;
- (b) inserting a new provision that permits the Administrator to enter upon any property at any time;
- (c) addressing the use of inert C&D materials as fill or for grading purposes;
- (d) including enhanced environmental requirements (ie. berms, sorting pads, dust & debris control);
- (e) revising hours of operation - based upon land use and zoning;
- (f) reformatting and enhancing separation requirements; and
- (g) increasing penalties

Attachments to HRM's C&D License By-law are provided in Attachment VI of this report.

(3) **General Comments:**

Amending all municipal planning strategies and land use by-laws in the manner described above entails significant repetition resulting in a lengthy amendment package. In order to minimize the overall bulk of this report, the overall amendments have been included as part of the amending document for the Halifax plan area (ie, this document contains the preamble wording, policies, definitions, zone requirements, and zones to be included in all municipal planning documents). The planning documents for Planning District 5 contain an outline of the amendments along with any new wording that is specific to a particular Municipal Planning Strategy and Land Use By-law.

Staff are seeking comments from the Community Councils on the proposed amendments before bringing the package forward to Solid Waste Advisory Committee and then to Regional Council.

Requests for New C&D Operations

On March 5, 2002, Regional Council set a deadline of March 15, 2002 whereby new requests to extend additional rights to existing operations or to recognize new C&D operations could be considered as part of this process. No additional requests were received by the deadline. Consequently, any future requests will be considered through the standard Planning Applications process.

Staff have begun the process of evaluating the existing requests from RDM Recycling Limited, Halifax Recycling Limited, and Metro Construction Ltd. to permit the establishment of C&D

disposal facilities at properties where these companies have interests. The three requests will be evaluated in accordance with the proposed amendments.

Time- Line

On March 5, 2002, Regional Council requested a time-line be prepared for the project in order to identify a possible date for a public hearing. A proposed time-line for the project is outlined below:

**DRAFT - Time Line
C&D Waste Management Strategy**

Events	Dates
Deadline for New Requests (additional rights/new proposals)	March 15, 2002
Western Region Community Council	March 25, 2002
North West Community Council	March 27, 2002
Harbour East Community Council	April 4, 2002
Peninsula Community Council	April 8, 2002
Chebucto Community Council	April 8, 2002
Marine Drive, Valley, & Canal Community Council	April 15, 2002
Deadline for Detailed Information	April 15, 2002
Tentatively 3 Public Information Meetings	dates to be confirmed
Deadline for Public Information Meetings	May 10, 2002
Solid Waste Resource Advisory Committee Meeting	May 15, 2002
Committee of the Whole & Regional Council	May 28, 2002
Public Hearing	June 11, 2002

The proposed time-line may be shortened or increased depending upon how quickly and the detailed information is provided relative to meeting the above schedule.

BUDGET IMPLICATIONS

There are no budget implications associated with this report.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

Council may choose to make changes to the proposed amendment package at their meeting or direct staff to make changes prior to the amendments being presented to Solid Waste Resource Advisory Committee.

ATTACHMENTS

Map 1: Rezoning of Lands for RDM Recycling Ltd.

- Attachment I: Public Consultation Process - Summary of Comments
- Attachment II: Amendments to the MPS for Halifax
- Attachment III: Amendments to the LUB for Halifax - Mainland
- Attachment IV: Amendments to the MPS for Planning District 5 (Chebucto Peninsula)
- Attachment V: Amendments to the LUB for Planning District 5 (Chebucto Peninsula)
- Attachment VI: Amendments to HRM's C&D License By-Law

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Kurt Pyle - Planner, Planning and Development Services (490-4428)

Attachment "I"

Public Consultation Process (Phase 2)
 "Summary of Comments"

Category	Comments/Questions
Environment	C&D requirements for disposal need to be more stringent to protect residents and the environment.
	HRM needs to enhance the Department of the Environment and Labour (DEL) design requirements for C&D disposal facilities
	Need to look at the impact of truck traffic from C&D operations have on the road networks?
	C&D disposal sites should have direct access to 100 Series Highways, not just collector roads.
	Disposal operations should be subject to an environmental assessment
	Evaluation criteria needs to address more than setbacks
	Need for higher separation distances
	Setback should depend on grade of land and vegetation
	Evaluation criteria needs to address the generation of airbourne particles (ie. dust)
	Need to protect groundwater (ie. well monitoring)
	Need to address stormwater management
	Retention of vegetation
	Use of berms to protect watercourses
Enforcement	Court (ie. legal) process is to slow
	HRM need the ability to stop violators immediately
	Enforcement needs to be strengthened
	Penilities in other by-laws are more stringent
Additional Rights	Two C&D operations have requested that Council apply the CD-3 Zone to their site in order to permit disposal.
	When will Council make a decision on granting additional rights?
	C&D facility should not be exempt from the appeal process (ie rezoning and site plan approval processes).

Category	Comments/Questions
C&D License By-law	What is going to happen to all the C&D material now stockpiled?
	HRM needs to be able to track C&D material?
	C&D Waste Management Strategy should not affect traditional recycling operations (i.e. bottle and paper exchanges)?
	Who cleans up C&D material stockpiled on sites which are no longer operating?
	HRM needs to address how hazardous materials are handled
	Bonding
	Watershed Boards need to be part of the license and rezoning processes
	By-law must be clear that C&D operations can not handle hazardous materials
Process/ Procedure	New C&D facilities should proceed via a public process
	C&D facilities should not be located near schools
	Application of a CD Zone should not eliminate the existing zoning/development rights on the property
	Requests for clarification & enhancement of a number of policies (SW-2, SW-4, SW-6, & SW-7) and zone requirements
	Concern with the height of vegetation used for buffering/screening
	C&D facilities should not be located within Floodplains
General Comments	All public comments should be included in the record (i.e. community held meetings).
	C&D facilities should not be located in residential areas.
	The Site Plan Approval process should apply to existing and new operations.
	Council needs to define the various types of C&D operations (i.e. definitions)?
	C&D Waste Management Strategy should not deal with remediation operations (i.e. Gravel pits) which use C&D materials
	C&D disposal sites should be located in remote areas.
	There is a need for incentives for taking material to the proper sites.
	HRM needs to encourage and support for source separation of demolition projects.
	HRM should not over regulate C&D operations.

Category	Comments/Questions
General Comments	Amendments need to refer to C&D By-law.
	Landscaping provisions should be enhanced
	Council should increase the notification distance for Site Plan Approval.
	What is the role of the province
	HRM needs to encourage on-site sorting of materials
	Watershed boards should review applications for new facilities

Attachment "II"

Amendments to the
Municipal Planning Strategy for Halifax

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Halifax is hereby amended as follows:

1. Adding new wording within the "**TABLE OF CONTENTS**" immediately below the words "*12. Citizen Participarion*" on page -i- as follows:

"13. Construction and Demolition Waste.....XX"

2. Renumbering "*13 . Generalized Future Land Use Map*" within the "**TABLE OF CONTENTS**" to "**14 . Generalized Future Land Use Map**"

3. Amending Policy 13.2.1 by changing the cross references to read as follows:

Pursuant to Policy 14.2, for those areas where a detailed area plan forms a part of this Plan, and where the areas of future land use are shown on a Generalized Future Land Use Map for such area, as indicated on Map 9, the City shall determine the areas of future land use in accordance with the policies of the detailed area plan. In addition to the requirements of Policy 14.2 above, where the matter under consideration is not addressed by the policies of the detailed area plan, the policies of Part II, Section II of this Plan shall apply as appropriate.

4. Renumbering Policies *13.1, 13.2 and 13.2.1* to **14.1, 14.2 and 14.2.1**, respectively
5. Adding new objective and policies immediately after Policy 12.6 of Section II as follows:

"13. Construction and Demolition Waste Management Strategy

The key objective of Halifax Regional Municipality's (HRM) Integrated Waste/Resource Management Strategy (IWMS) is to minimize the amount of material going to a municipal landfill. The IWMS comprises a number of components which must be implemented together in order to achieve its objectives.

Of the various components, construction and demolition (C&D) waste¹ is a key component. The combination of strong economic growth and corresponding growth in waste generation

¹**Construction and Demolition Materials**, hereinafter referred to as C&D Materials, means materials which are normally used in the construction of buildings, structures, roadways, walls and landscaping features, and includes, but is not limited to, soil, asphalt, brick, concrete, ceramics, porcelain, window glass, mortar, drywall, plaster, cellulose, fiberglass fibres, lumber, wood, asphalt shingles and metals.

has resulted in increased financial pressure on the Municipality. In the interests of the greater public, it is essential that all aspects of the integrated waste management system, especially opportunities to maximize diversion, operate effectively. The IWMS recognizes that, while a significant proportion of C&D waste should be reused or recycled, it is necessary for some of this material to be buried.

On January, 1998 Regional Council approved the following objectives in support of implementing an HRM-wide C&D Waste Management Strategy:

- (i) maximize diversion from landfill through recycling of construction and demolition debris in keeping with the Halifax Regional Municipality Solid Waste Resources Strategy;
- (ii) increase economic activity and value added processing through recovery of construction and demolition debris;
- (iii) provide an opportunity to properly dispose of construction and demolition debris that cannot be recycled; and
- (iv) minimize environmental, land use and nuisance impacts from the operation of construction and demolition debris transfer, processing and disposal operations.

The C&D Strategy is in keeping with the overall objectives of the IWMS. Its implementation requires that municipal planning documents recognize the unique land use requirements of the C&D industry and that a specific Licensing By-law is required to address operational issues. The intent is to provide a comprehensive regulatory framework that is applied fairly and consistently throughout HRM.

HRM discourages processing and disposal of some C&D waste at its landfill. Inert C&D material does not need to be disposed of at the regional landfill site. Generators or haulers of these materials are generally discouraged from utilizing municipal facilities due to comparatively high tipping fees which encourage the use of private recycling or disposal facilities. Hazardous C&D waste materials are not accepted at the landfill or at private recycling or disposal facilities and must be disposed of as set out in provincial legislation.

The following municipal planning policies are intended to support and/or implement key components of HRM's C&D Strategy.

- 13.1 It shall be the intention of Council to initiate an education and public awareness program for builders, home renovators and developers describing best practices for maximizing the amount of C&D materials recycled, reused and/or diverted from municipal landfill.
- 13.2 It shall be the intent of Council to review its construction and procurement practices to ensure that C&D debris materials resulting from municipal construction projects are diverted to appropriate reuse and recycling facilities.

- 13.3 Further to 13.2, Council shall encourage provincial agencies working within HRM to also review their construction and procurement practices to support recycling / reuse of C&D materials.

The C&D industry comprises three types of operations which must be accommodated through land use regulations: C&D transfer stations; C&D processing operations; and C&D disposal operations. These facilities can operate independent of each other or jointly on the same or separate properties.

Operational and compatibility considerations related to C&D facilities require they not be located within residential, community facility (ie. schools, parks, hospitals, etc.), or environmentally sensitive designated areas (ie. wetlands, floodplains, etc.). To minimize compatibility concerns, the Land Use By-law will permit C&D facilities only in areas designated industrial or resource, where the density of residential development, types of uses permitted, and potential for land use conflicts is minimized. Further, as the potential impact of C&D operations on adjacent lands depends, to a degree, on the type of C&D operation, the Land Use By-law provisions will recognize individual characteristics of the three forms of C&D operations.

- 13.4 It shall be the intention of Council to provide a consistent approach to permitting C&D operations throughout HRM. Further, the Land Use By-law shall clearly define each type of operation and implement measures to minimize the impact of C&D operations on surrounding land uses and watercourses.
- 13.5 It shall be the intention of Council to prohibit C&D operations from establishing in areas designated residential, community facility (such as schools, parks, hospitals, etc.), or environmentally sensitive (such as wetlands, floodplains, conservation land etc.).

Operational aspects of the C&D industry can be classified into two categories: operations where materials are transferred and/or processed; and operations which dispose of materials.

Transfer Stations and Processing Facilities

Municipal planning documents adopted or amended prior to 2002 did not recognize C&D transfer stations and processing facilities as unique forms of land use. Instead, land use regulations generally provided for these uses under regulations which apply to other uses such as salvage yards and "industrial" or "processing" operations. This resulted in inconsistency and the creation of an uneven "playing field" for contractors and C&D operators. Additionally, standards were appropriate in addressing unique siting, land use and other aspects of the C&D industry. In order to ensure consistency, new C&D transfer and processing operations will be considered by rezoning. This will minimize the impact of such facilities on adjacent land uses and ensure that public consultation forms part of the process for considering new operations. Further, the site plan approval process will be used for all C&D operations to address compatibility issues on a site specific basis.

- 13.6 A CD-1 (C&D Transfer Stations) Zone shall be established in the land use by-law. The zone shall permit only C&D transfer stations and shall establish controls on setbacks from adjacent uses, buffering/screening, landscaping, access, and outdoor storage in order to minimize impacts on adjacent uses. Amendments to the schedules of the land use by-law to permit new C&D operations will only be considered where such operations are within the Industrial or Resource Designations and pursuant to the following criteria:
- (a) safe access to and from the site of the proposed operation shall be obtained from the abutting street or highway and the development shall not cause traffic circulation problems or traffic hazards due to the nature or level of traffic created;
 - (b) no operation shall have direct access to either a local or subdivision road, as determined by the Municipality's Traffic and Transportation Services Division and any access road for such operations shall not occur through lands zoned for residential use;
 - (c) sites shall allow for the reasonable separation of the proposed operation from surrounding residential development;
 - (d) consideration for the extent and location of open storage with respect to abutting properties;
 - (e) scale and appearance of the proposed operation will not detract from or adversely affect surrounding developments;
 - (f) proposed site layout, including but not limited to landscaping, buildings/structures, access and egress, parking areas, signage, and outdoor storage or display areas, is appropriate having regard to the other provisions of this Policy;
 - (g) adequate buffering and screening measures, including the use of berms, opaque fencing, and vegetation, are provided as a means to reduce any visual and/or noise intrusion to surrounding residential development;
 - (h) applicant shall provide a report that addresses the effectiveness of environmental measures used to protect the natural environment (ie watercourse, groundwater, etc.);
 - (i) no portion of the operation shall be located within a floodplain (1:100 year event);
 - (j) adequacy of onsite or central services; and
 - (k) provisions of Implementation Policy 4.
- 13.7 A CD-2 (C&D Recycling Operations) Zone shall be established in the land use by-law. The zone shall permit C&D recycling operations and CD-1 zone uses, excluding disposal, and shall establish controls on setbacks from adjacent uses, provide buffering/screening, landscaping measures, regulate access and outdoor storage in order to minimize impact on adjacent uses. Amendments to the schedules of the land use by-law to permit new CD-2 Zone uses shall only be considered where such operations are within the Industrial or Resource Designations, and pursuant to criteria of Policy 13.6.

C&D Disposal Facilities

In the past, construction and demolition materials were disposed of either through use as general fill material at private sites or through disposal at the regional landfill facility. Respectively, these practices have come under criticism due to concerns about potential environmental impacts associated with disposal at unregulated private facilities and the financial burden associated with disposing of significant amounts of C&D waste at a municipal landfill site which was not designed to accommodate this material.

Past disposal practices have prevented significant amounts of C&D materials from being either reused or recycled and a lack of permitted locations for C&D waste disposal has contributed to illegal dumping on private and Crown land. Historically, there have been no approved locations in HRM where construction and demolition waste can be both conveniently and safely land filled despite the existence of Provincial regulations which provide sufficient environmental protection.

Under Provincial regulations, businesses which dispose of C&D materials are classified into two categories:

- (a) Facilities which dispose of only inert C&D materials² for which Ministerial approval and a permit from the Department of the Environment are not required.
- (b) Facilities which dispose of all types of C&D materials (inert and non-inert) for which Ministerial approval is required. These operations require a permit from the Department of the Environment and Labour in accordance with Provincial "Construction and Demolition Debris Disposal Site Guidelines", to address the design and operational requirements.

Any C&D disposal operation is required to comply with the provisions of HRM's C&D Licensing By-law. The By-law prohibits disposal of materials which can be recycled or reused which will significantly reduce the potential of such disposal operations occurring. Neither the C&D License By-law nor provincial regulations prohibit the use of inert materials as fill on individual properties. Consequently, the regulation of C&D disposal facilities through municipal planning documents should focus on land use compatibility issues and locational criteria.

²

Inert materials are defined as "rock (excluding sulphide bearing rock), aggregate, soil, bricks, mortar, concrete, asphalt pavement, porcelain or ceramic materials, trees, brush, limbs, stumps, root balls, organic mat, milled wood that is free of adhesives, coatings or preservatives".

Under the Municipal Government Act, municipalities can regulate where disposal operations are permitted. To address land use compatibility issues, a C&D disposal zone shall be established in the Land Use By-law and disposal sites shall only be considered through the rezoning and site plan approval process.

- 13.8 A CD-3 (C&D Disposal) Zone shall be established in the land use by-law. The zone shall permit C&D disposal operations, CD-2 zone uses and establish controls on setbacks from adjacent uses, buffering/screening, landscaping, access, and outdoor storage in order to minimize impact on adjacent uses. Amendments to the schedules of the land use by-law to permit new C&D disposal operations shall be considered where such operations are within the Industrial or Resource Designations and pursuant to criteria outlined in Policy 13.6.

Site Plan Approval

In order to minimize land use concerns associated all C&D operations shall proceed through the Site Plan Approval process.

- 13.9 Further to 13.6, 13.7, and 13.8, all C&D operations shall be regulated under a Site Plan Approval Process in order to minimize land use impacts. Siting standards shall be set out in the Land Use By-law to address such items as, but not limited to, screening, access, outdoor storage (including stockpiles), maintenance, stormwater management (run-off), lighting, signage, and landscaping measures.

Existing C&D Operations

There are a number of existing C&D operations (transfer stations and processing operations) throughout HRM. To recognize those existing operations, Council shall apply applicable zoning to those properties to reflect the use conducted on the property prior to the adoption of the amendments.

- 13.10 It shall be the intention of Council to recognize the existing C&D operations by applying the applicable zone to reflect those existing operations.

- 13.11 Further to Policy 13.10, any expansion of an existing C&D operation (ie. addition to an existing building, a new building, or a new/change of use) shall be subject to the site plan approval process."

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the ____ day of ____, A.D. 2002.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this ____ day of _____, A.D., 2002.

Vi Carmichael
Municipal Clerk

Attachment "III"

Amendments to the
Land Use Bylaw for Halifax Mainland

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Land Use Bylaw for Halifax mainland is hereby amended as follows:

1. Adding new wording within the **"TABLE OF CONTENTS"** immediately below the letters **"WCCDD ZONE"** as follows:

"CD-1 ZONE.....XX
CD-2 ZONE.....XX
CD-3 ZONE.....XX"

3. Adding four new definitions immediately following the definition of Community Facility as follows:

CONSTRUCTION AND DEMOLITION MATERIALS means the definition contained within HRM By-law L-200 respecting Licensing of Construction and Demolition Materials Recycling and Disposal Operations, as amended from time to time.

CONSTRUCTION AND DEMOLITION MATERIALS DISPOSAL SITE means a facility as defined within HRM By-law L-200 respecting Licensing of Construction and Demolition Materials Recycling and Disposal Operations, as amended from time to time.

CONSTRUCTION AND DEMOLITION MATERIALS PROCESSING FACILITY means a facility as defined within HRM By-law L-200 respecting Licensing of Construction and Demolition Materials Recycling and Disposal Operations, as amended from time to time.

CONSTRUCTION AND DEMOLITION MATERIALS TRANSFER STATION means a facility as defined within HRM By-law L-200 respecting Licensing of Construction and Demolition Materials Recycling and Disposal Operations, as amended from time to time.

4. Amending the definition of "Junk Yard" by deleting the words "building supplies" and adding the words ", but shall not include Construction and Demolition Materials." immediately following the words "derelict vehicles".

5. Deleting the existing definition of recycling depot and replacing it as follows:

"RECYCLING DEPOT means a building which is used for the deposit, collection and handling of waste paper, rags, tires, bottles or other materials (excluding Construction and Demolition Materials) which are to be delivered wholesale to other operations for reclamation, processing or salvage, but shall not include any such salvage or processing on the same lot or within any building used as a re-cycling depot."

6. Adding a new definition immediately following the definition of Residential Zone as follows:

"SALVAGE YARD means a lot or premises for the storage, handling or processing of and sale of scrap material, and without limiting the generality of the foregoing, shall include waste paper, rags, bones, used bicycles, vehicles, tires, metal or other scrap material or salvage but excluding Construction and Demolition Materials."

7. Adding a new definition immediately following the definition of Used as follows:

"USED BUILDING MATERIAL RETAIL OUTLET means the definition contained within HRM By-law L-200 respecting Licensing of Construction and Demolition Materials Recycling and Disposal Operations, as amended from time to time."

8. Renumbering Section 14M to 14M(1)

9. Amending Section 16(1) (**ZONES**) by listing three new zones immediately following "*WCCDD Western Common Comprehensive Development District*" as follows:

"CD-1	C&D Materials Transfer Stations Zone
CD-2	C&D Materials Processing Facilities Zone
CD-3	C&D Materials Disposal Sites Zone"

10. Amending Section 16(2) by deleting the word and letters "*and WCCDD*" and substituting therefore the following:

", WCCDD, CD-1, CD-2 and CD-3"

11. Adding three new zones immediately following "*WCCDD Western Common Comprehensive Development District*" as follows:

"CD-1

C&D MATERIALS TRANSFER STATIONS ZONE

- 62BA(1) The following uses shall be permitted in any CD-1 Zone:
- (a) Construction and Demolition Materials Transfer Stations
 - (b) Uses accessory to permitted use
- 62BA(2) No person shall in any CD-1 Zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).
- 62BA(3) No person shall in any CD-1 Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

REQUIREMENTS

- 62BB(1) Buildings erected, altered, or used for CD-1 uses in a CD-1 Zone shall comply with the following requirements:

Minimum Lot Area	3,716 square metres	(40,000 square feet) central services
	11,148 square metres	(120,000 square feet) on-site services
Minimum Frontage	15 metres	(49.2 feet) central services
	30 metres	(98.4 feet) on-site services
Minimum Front Yard	25 metres	(82.0 feet)
Minimum Side Yard	30 metres	(98.4 feet)
Minimum Rear Yard	30 metres	(98.4 feet)
Maximum Lot Coverage	50 %	
Maximum Height	11 metres	(36.0 feet)

OTHER REQUIREMENTS

- 62BB(2) No development permit shall be issued for a C&D Materials Transfer Station except in compliance with the following provisions:
- (a) any building or structure shall meet the following separation distances:
 - (i) from any property line 30 metres (98.4 feet)
 - (ii) from the nearest residential dwelling/
institutional use 60 metres (196.9 feet)
 - (iii) from a watercourse 30 metres (98.4 feet)

- (b) notwithstanding Section 62BB(2)(a), if a building or structure is not located within 250 metres of a residential or institutional use or building, it shall meet the following separation distances:
- | | | | |
|------|------------------------|-----------|-------------|
| (i) | from any property line | 10 metres | (32.8 feet) |
| (ii) | from a watercourse | 30 metres | (98.4 feet) |
- (c) a C&D Materials Transfer Station is totally enclosed within a building (no outdoor storage of material, product, or equipment) the building shall meet the following separation distances:
- | | | | |
|------|------------------------|-----------|-------------|
| (i) | from any property line | 10 metres | (32.8 feet) |
| (ii) | from a watercourse | 30 metres | (98.4 feet) |

62BB(3) GENERAL REQUIREMENTS

No development permit shall be issued for a C&D Materials Operation except in compliance with the following provisions:

- (a) no operation shall be permitted or maintained which cause or produce any of the following effects discernible outside any building or structure or affecting any adjacent property:
- (i) noise or sound which is obnoxious because of its volume, duration, intermittent beat, frequency, or shrillness;
 - (ii) dissemination of smoke, fumes, gas, dust, odour, or any atmospheric pollutant; or
 - (iii) discharge of any waste material whatsoever into a watercourse or water resource except in accordance with the applicable government requirements.
- (b) notwithstanding any other provisions of this by-law, C&D Materials Operation may occur either inside or outside of a building;
- (c) there shall be a landscaped area of at least 4.5 metres (14.8 feet) in depth that runs the length of and directly abuts the front lot line, excluding driveway openings, and such land within this required landscaped area shall be grassed (or other appropriate vegetation ground cover) and trees and shrubs shall be planted (trees shall be a minimum of 1.8 metres (6 feet) in height) or existing trees and shrubs shall be maintained at a minimum rate of one (1) plant per each 2 metres (6.6 feet) of frontage;
- (d) no portion of the operation shall be located within any side, rear, or front lot setback; and

- (e) no operation shall have direct access to either a local or subdivision road, as determined by the Municipality's Traffic and Transportation Services Division and any access road for such operations shall not occur through lands zoned for residential (R-1, R-2, R-2P, R-2T, R-2AM, R-3, R-4, T, H, and RDD) or community use (P or WC and WC).

SITE PLAN APPROVAL

62BB(4) All C&D Materials Operations are subject to approval of a site plan. The Development Officer shall approve a site plan where the following matters have been addressed:

- (a) driveway access to the site shall be located in such a manner to minimize land use impacts on adjacent land uses;
- (b) separation distances shall be provided from any structure on the site and abutting residential or community facility properties to ensure the development does not negatively impact upon surrounding properties;
- (c) all off-street loading/unloading areas, stockpiles, processing areas, and parking facilities shall be located on the site such that no aspect impacts upon adjacent uses or streets and screening can be in the form of fencing, berms, vegetation, or a combination of elements;
- (d) a landscaping plan shall be prepared that protects and minimize land use impacts on adjoining lands and the plan shall indicate the type, size, and location of all landscaping elements (ie. walls, fences, hedges, trees, shrubs, ground cover, etc.), including the landscaping along the front of the property, to achieve the objective of the plan;
- (e) within any designated side and rear yards, all existing vegetation shall be retained unless required for landscaping measures or does not provide for adequate screening measures;
- (f) all outdoor lighting shall be oriented such that it does not negatively impact upon adjacent properties;
- (g) all solid waste storage containers shall be located such that they are screened from adjacent properties and streets;
- (h) location, number and size of signs;
- (i) measures, including but not limited to lot grading, berms, shall be required to adequately address the management of stormwater and surface water; and

- (j) provisions are established to ensure the operation and any required site improvements are maintained to a high standard.

CD-2

C&D MATERIALS PROCESSING FACILITIES ZONE

- 62CA(1) The following uses shall be permitted in any CD-2 Zone:
 - (a) CD-1 uses
 - (b) Construction and Demolition Materials Processing Facilities
 - (c) Uses Accessory to permitted uses, excluding construction and demolition disposal
- 62CA(2) No person shall in any CD-2 Zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).
- 62CA(3) No person shall in any CD-2 Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

REQUIREMENTS

- 62CB(1) Buildings erected, altered or used for CD-1 uses in a CD-2 zone shall comply with the requirements of the CD-1 zone.
- 62CB(2) Buildings erected, altered, or used for CD-2 uses in a CD-2 Zone shall comply with the following requirements:

Minimum Lot Area	3,716 square metres	(40,000 square feet) - central services
	11,148 square metres	(120,000 square feet) on-site services
Minimum Frontage	15 metres	(49.2 feet) central services
	30 metres	(98.4 feet) on-site services
Minimum Front Yard	30 metres	(98.4 feet)
Minimum Side Yard	30 metres	(98.4 feet)
Minimum Rear Yard	30 metres	(98.4 feet)
Maximum Lot Coverage	50 %	
Maximum Height	11 metres	(36.0 feet)

OTHER REQUIREMENTS

62CB(3) No development permit shall be issued for C&D materials processing facility except in compliance with the following provisions:

(a) any building, structure or area used for processing shall meet the following separation distances:

- (i) from any property line 60 metres (196.8 feet)**
- (ii) from the nearest residential dwelling/
institutional use 90 metres (295.3 feet)**
- (iii) from a watercourse 60 metres (196.8 feet)**

(b) notwithstanding Section 62CB(3)(a), if a building or structure is not located within 250 metres of a residential or institutional use or building, it shall meet the following separation distances:

- (i) from any property line 10 metres (32.8 feet)**
- (ii) from a watercourse 60 metres (196.8 feet)**

(c) if a C&D Materials Processing Facility is totally enclosed within a building (no outdoor storage of material, product, processing area, or equipment) the building shall meet the following separation distances:

- (i) from any property line 10 metres (32.8 feet)**
- (ii) from a watercourse 60 metres (196.8 feet)**

GENERAL REQUIREMENTS

62CB(4) No development permit shall be issued for a C&D Materials Operation except in compliance with the following provisions:

(a) the operation complies with the general zone requirements as outlined in Section 62BB(3); and

(b) notwithstanding Sections 62CB(1) to 62CB(3), inclusive, more than one C&D Materials operation is permitted on a site and each use shall be subject to the applicable standards unless the uses are not clearly differentiated than the more stringent requirements shall apply to the permitted uses.

SITE PLAN APPROVAL

62CB(5) C&D Materials Operations are subject to approval of a site plan. The Development Officer shall approve a site plan for each use which deals with those matters outlined in Section 62BB(4).

CD-3

C&D MATERIALS DISPOSAL SITES ZONE

62DA(1) The following uses shall be permitted in any CD-2 Zone:

- (a) CD-1 and CD-2 uses
- (b) Construction and Demolition Materials Disposal Sites
- (3) Uses Accessory to permitted uses

62DA(2) No person shall in any CD-3 Zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).

62DA(3) No person shall in any CD-3 Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

REQUIREMENTS

62DB(1) Buildings erected, altered or used for CD-1 or CD-2 uses in a CD-3 zone shall comply with the requirements of the CD-1 or CD-2 zones respectively.

62DB(2) Buildings erected, altered, or used for CD-3 uses in a CD-3 Zone shall comply with the following requirements:

Minimum Lot Area	11,148 square metres	(120,000 square feet)
Minimum Frontage	15 metres	(49.2 feet) - central services
	30 metres	(98.4 feet) - on-site services
Minimum Front Yard	50 metres	(164 feet)
Minimum Side Yard	50 metres	(164 feet)
Minimum Rear Yard	50 metres	(164 feet)
Maximum Lot Coverage	50 %	
Maximum Height	11 metres	(36.1 feet)

OTHER REQUIREMENTS:

62DB(3) No development permit shall be issued for C&D disposal site except in compliance with the following provisions:

(a) no portion of the operation shall be located within 60 metres (196.8 feet) of any side or rear property line abutting a residential or community facility use;

(b) any building or structure used in conjunction with a disposal operation shall meet the following separation distances:

- | | | | |
|--------------|---|------------------|---------------------|
| (i) | from any property line | 50 metres | (196.8 feet) |
| (ii) | from the nearest residential dwelling/
institutional use | 90 metres | (295.3 feet) |
| (iii) | from a watercourse | 60 metres | (196.8 feet) |

(c) notwithstanding Section 62DB(3)(a)&(b), if a building or structure is located beyond 250 metres (820.2 feet) from a residential or institutional use or building, it shall meet the following separation distances:

- | | | | |
|-------------|-------------------------------|------------------|---------------------|
| (i) | from any property line | 50 metres | (164 feet) |
| (ii) | from a watercourse | 60 metres | (196.8 feet) |

GENERAL REQUIREMENTS

62DB(4) No development permit shall be issued for a C&D Materials Operation except in compliance with the following provisions:

(a) the operation complies with the general zone requirements as outlined in Section 62BB(3).

(b) Notwithstanding Sections 62DB(1) to 62DB(3), inclusive, more than one C&D Materials operation is permitted on a site and each use shall be subject to the applicable standards unless the uses are integrated than the more stringent requirements shall apply to the permitted uses.

SITE PLAN APPROVAL

62DB(5) C&D Material Operations are subject to approval of a site plan. The Development Officer shall approve a site plan for each use which deals with those matters as outlined in Section 62BB(4)".

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the ____ day of ____, A.D. 2002.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this ____ day of _____, A.D., 2002.

Vi Carmichael
Municipal Clerk

Attachment "IV"

Amendments to the
Municipal Planning Strategy for Planning District 5 (Chebucto Peninsula)

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Planning District 5 (Chebucto Peninsula) is hereby amended as follows:

1. Adding new wording within the "**TABLE OF CONTENTS**" immediately below the words "*Environmental Health Services*" as follows:

"**Construction and Demolition Waste.....XX**"

2. Adding new preamble and policy immediately after Policy E-22 as follows:

Construction and Demolition Waste Management Strategy

C&D Transfer Stations and C&D Processing Facilities

SW-6 A CD-1 (C&D Transfer Stations) Zone shall be established in the land use by-law. The zone shall permit only C&D transfer stations and shall establish controls on setbacks from adjacent uses, buffering/screening, landscaping, access, and outdoor storage in order to minimize impacts on adjacent uses. Amendments to the schedules of the land use by-law to permit new C&D operations will only be considered where such operations are within the Industrial - Commercial Designation and pursuant to the following criteria:

- (k) provisions of Policy IM-10

SW-7 A CD-2 (C&D Recycling Operations) Zone shall be established in the land use by-law. The zone shall permit C&D recycling operations and CD-1 zone uses, excluding disposal, and shall establish controls on setbacks from adjacent uses, provide buffering/screening, landscaping measures, regulate access and outdoor storage in order to minimize impact on adjacent uses. Amendments to the schedules of the land use by-law to permit new CD-2 Zone uses shall only be considered where such operations are within the Industrial - Commercial Designation, and pursuant to criteria of Policy SW-6.

C&D Disposal Facilities

SW-8 A CD-3 (C&D Disposal) Zone shall be established in the land use by-law. The zone shall permit C&D disposal operations, CD-2 zone uses and establish controls on setbacks from adjacent uses, buffering/screening, landscaping, access, and outdoor storage in order to minimize impact on adjacent uses. Amendments to the schedules of the land use by-law to permit new C&D disposal operations shall be considered where such operations are within the Industrial - Commercial Designation and pursuant to criteria outlined in Policy SW-6

Staff have received a request from RDM Recycling Ltd. for Council to giving a higher level of zoning (CD-3) to their property in Harriets field. If Council supports this request, additional policy will be inserted into the Municipal Planning Strategy for Planning District 5 to implement Council's decision.

3. Amending Policy VCS-2 by adding the following wording "**and C&D Materials Transfer Stations, C&D Materials Processing Facilities and C&D Materials Disposal Sites**" immediately after the words "exception of salvage yards".

Attachment "V"

Amendments to the
Land Use By-law for Planning District 5 (Chebucto Peninsula)

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Planning District 5 (Chebucto Peninsula) is hereby amended as follows:

1. Adding new wording within the "**TABLE OF CONTENTS**" immediately below the words "*Part 25: CDD (Comprehensive Development District)*" as follows:

PART 25A: CD-1 (C&D Materials Transfer Stations) Zone.....XX
PART 25B: CD-2 (C&D Materials Processing Facilities) Zone.....XX
PART 25C: CD-3 (C&D Materials Disposal Sites) Zone.....XX

2. Adding four new definitions immediately following Sub-section 2.11A as follows:

2.11B CONSTRUCTION AND DEMOLITION MATERIALS
2.11C CONSTRUCTION AND DEMOLITION MATERIALS DISPOSAL SITE
2.11D CONSTRUCTION AND DEMOLITION MATERIALS PROCESSING FACILITY
2.11E CONSTRUCTION AND DEMOLITION MATERIALS TRANSFER STATION

3. Adding a new definition immediately following Sub-section 2.31 as follows:

2.31A INSTITUTIONAL USE means any use permitted in the P-2 (Community Facility) Zone.

4. Adding a new definition immediately following Sub-section 2.70 as follows:

2.70A USED BUILDING MATERIAL RETAIL OUTLET

5. Deleting Sub-sections 2.55 and 2.62 and replacing them with new Sub-sections as follows:

2.55 RECYCLING DEPOT
2.62 SALVAGE YARD

6. Amending Section 3.1 (**ZONES**) by listing three new zones immediately following "*Commercial, Resource and Industrial Zones F-1 Fishing Industry Zone*" as follows:

Construction & Demolition (C&D) Zones

- CD-1 (C&D Materials Transfer Stations) Zone
- CD-2 (C&D Materials Processing Facilities) Zone
- CD-3 (C&D Materials Disposal Sites) Zone

7. Deleting Section 4.20 (SETBACK FROM WATERCOURSE) and replacing it with a new Section 4.20 as follows:

4.20 SETBACKS FROM WATERCOURSES

- (a) Except as provided by Section 4.13 (a) (ii), no building or structure shall be located within twenty-five (25) feet (7.6 m) of the rim of any freshwater watercourse or eight (8) feet from the highwater mark of a saltwater watercourse. Notwithstanding this, any existing main building within this setback distance shall be a permitted use.
- (b) Notwithstanding Sub-section 4.20(a), setback requirements for Construction and Demolition operations are set out in the applicable CD Zone and such operations must comply with the more stringent provisions.

8. Adding three new zones immediately following Part 25: (Comprehensive Development District) Zone as follows:

PART 25A: CD-1 (C&D MATERIALS TRANSFER STATIONS) ZONE

- 25A.4(e) no operation shall have direct access to either a local or subdivision road, as determined by the Municipality's Traffic and Transportation Services Division and any access road for such operations shall not occur through lands zoned for residential (R-1, R-2, R-2a, R-6, and R-6a) or community use (P-2, P-3, P-4, and P-5).

PART 25B: CD-2 (C&D MATERIALS PROCESSING FACILITIES) ZONE

PART 25C: CD-3 (C&D MATERIALS DISPOSAL SITES) ZONE

9. Amend Section 15.1 (V-4 USES PERMITTED) by adding the following uses "C&D Materials Transfer Stations, C&D Materials Processing Facilities and C&D Materials Disposal Sites" immediately following the words "salvage yards".
10. Amending Schedule A (Planning District 5 (Chebucto Peninsula)) of the By-law to rezone the parcel of land (PID # 40072514) shown on Map 1 attached to this report from R-2 (Two Unit Dwelling) Zone to CD-2 (C&D Materials Processing Facilities) Zone

Attachment "XII"

HALIFAX REGIONAL MUNICIPALITY
BY-LAW L-200

RESPECTING LICENSING OF CONSTRUCTION AND DEMOLITION MATERIALS
RECYCLING AND DISPOSAL OPERATIONS

(DRAFT AMENDMENTS)

- March 18, 2002 -

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 "C&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 his designate;
 - 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 landscaping features, and includes, but is not limited to, soil, asphalt, brick, concrete, ceramics, porcelain, window glass, mortar, drywall, plaster, cellulose, fiberglass fibres, lumber, wood, asphalt shingles and metals.

- 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, and shall not include a Used Building Material Retail Outlet, an operation that processes C&D materials on the site of generation and the material processed does not leave the site, de-construction of a building on-site, and facilities associated with a gravel pit or quarry operation.
- d) 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 C&D materials, approved by Provincial Department of the Environment and Labour, for site rehabilitation within gravel pits and quarry operations as defined by the Provincial government.
- e) Construction and Demolition Residue, hereinafter referred to as C&D 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.
- f) 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 to a C&D Disposal Site or a C&D Processing Facility.
- 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.
- h) Stockpile means a pile of C&D material which is either processed or unprocessed
- 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) Watercourse means a "watercourse" as defined under the provincial Environment Act, as amended from time to time.

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 therefor.
- (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 applicant, and the name and address of the owner if other than the applicant;
 - b) A description of the activities to be carried on at the site;
 - c) An insurance policy and bond or letter of credit meeting the conditions of Section 5;
 - 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, and if applicable, a C&D Disposal Site;
 - e) If the application is for a C&D Disposal Site, the approval under the Nova Scotia Department of the Environment and Labour Solid Waste Resource Management Regulations or subsequent amendments;
 - f) A license fee in the amount of \$50;
 - g) A Site Plan approved under Section 10;
 - h) An Operational Plan approved under Section 10; and
 - i) A Records Management Plan approved under section 8
- (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 owner of the Facility.
- (5) A license issued under this By-Law shall expire on the 31st day of December next following the date of issue.

- (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 owner 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 upon payment of an annual license fee in the amount of \$50 provided that the license holder continues to meet all of the requirements of this By-Law.

INSURANCE AND BONDING

5. (1) The owner of a C&D Processing Facility, Transfer Station or a C&D Disposal Site shall maintain a minimum of \$2,000,000 of third party liability insurance in effect at all times.
- (2) The owner of a C&D Processing Facility, Transfer Station and a C&D Disposal Site shall post a bond or letter of credit in a form acceptable to the Administrator from a bonding company or financial institution acceptable to the Administrator in the amount of \$50,000.
- (3) A bond posted pursuant to subsection (2) shall be used for the removal of material that has accumulated under Section 10 and the total amount of bond shall be immediately re-instated upon use of the bond.
- (4) The application of a bond pursuant to subsection (3) shall not absolve the operator of a C&D Processing Facility, Transfer Station and a C&D Disposal Site from any liability arising from the operation of the facility.

SUSPENSION OR REVOCATION OF LICENSE

6. (1) The Administrator may from time to time enter upon any property or structure which is subject to a license under this By-law 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.

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 Appeal Committee of Regional Council.
 - (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 Appeal 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 Appeal 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 and removed from the site, and the destination of all materials removed from the Site.

RECYCLING TARGETS

- 9.
- (1) No C&D Materials listed in Administrative Order 27 shall be disposed of in a C&D Disposal Site.
 - (2) C&D Materials shall be recycled or otherwise diverted from disposal in accordance with the minimum recycling targets listed in Administrative Order 27.
 - (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 used for site rehabilitation/infilling within gravel pits or quarry operations as defined by the

Provincial government or as approved by HRM as defined in HRM Lot Grading By-law.

OPERATIONAL PROCEDURES

10. (1) A Site Plan showing location of all buildings, storage areas, access roads, weigh scales, sorting pads, processing areas, and stockpiles shall be submitted to the Administrator for approval. Such Site Plan shall be amended and submitted for approval before any substantial changes are undertaken and in any event submitted for approval each calendar year upon application for a license renewal.
- (2) An Operational Plan indicating methods of processing, materials to be recycled, environmental controls (such as, but not limited to, dust and debris control, berms to protect watercourses, surface and groundwater monitoring, and leachate control), and fire, safety and environmental contingency plans shall be submitted to the Administrator for approval. Such Operational Plan shall be amended and submitted for approval before any substantial changes are undertaken and in any event submitted for approval each calendar year upon application for a license renewal.
- (3) Further to Section 10(2), the applicant shall show that the site is not in violation of the Environment Act prior to the issuance of a Licence under this By-law.
- (4) Notwithstanding Section 10(2), C&D materials brought to a C&D operation must first be placed upon a pad(s) for sorting prior to materials being processed, stockpiled, or removed from a site. The pad(s) shall be designed to prohibit materials or liquids from entering the groundwater table or a watercourse. Further, the Operational Plan shall indicate how the operator intends to handle and treat or remove the material/leachate from the site.
- (5) 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.
- (6) Notwithstanding Section 10(5), the hours of operation may be expanded by the Administrator if the property meets one of the following criteria:
 - (i) located within an industrial park owned or managed by HRM;
 - (ii) located within an industrial land use designation;

- (iii) does not abut any residentially or community facility zone; or
- (iv) not located within 250 metres of a residential or community facility use or building.

(7) Materials stockpiled at a C&D facility must meet the following conditions:

- (i) the maximum height of any stockpile shall be 6 metres;
- (ii) the maximum base diameter of any stockpile shall be 75 metres; and
- (iii) the minimum separation distance between the nearest edge or face of stockpiles shall be 5 metres;

(8) Minimum separation distances from the nearest edge or face of a stockpile as follows:

<i>Issue</i>	<i>Minimum Separation Distance (metres)</i>		
	<i>Transfer Stations</i>	<i>Processing Operations</i>	<i>Disposal Site</i>
<i>nearest residential or institutional use property line</i>	60	60	60
<i>nearest non - residential or institutional use property line</i>	5	30	30
<i>no residential or institutional use within 250 metres</i>	10	10	30
<i>operation is wholly contained within a building</i>	<i>applicable Land Use By-law</i>	<i>applicable Land Use By-law</i>	N/A
<i>watercourse</i>	30	60	150

- (9) No C&D Materials shall remain on site of a C&D Processing Facility longer than one year.
- (10) Where there is less material removed from the 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.
- (11) Notwithstanding subsection (9) and (10), 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.

- (12) Notwithstanding subsection (9) and (10), C&D Material on the Site of a C&D Processing Facility prior to the coming into effect of this By-Law or arriving on the site on or before April 1, 2002, shall be removed from the site before September 30, 2004.
- (13) No C&D Material shall remain on a site of a Transfer Station longer than 15 days.
- (14) 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.
- (15) 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.
- (16) 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.
- (17) 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 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 not exceeding \$50,000.00 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 alleged violation was committed 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.

Administrative Order 27

Respecting Materials That Shall Not Be Disposed Of In A C&D Disposal Site.

Whereas it is the desire of Halifax Regional Municipality to maximize diversion from disposal of recoverable and recyclable construction and demolition debris;

Be It Enacted by Council of the Halifax Regional Municipality as a policy pursuant to Section 49 (1) (b) of the Municipal Government Act as follows:

1. The following materials shall not be disposed of in a Construction and Demolition Debris Disposal Site, under Bylaw L-200:

- asphalt paving
- aggregate and soil
- brush and leaves
- concrete;
- milled wood free of adhesives, coatings and preservatives
- porcelain, ceramic
- root balls and stumps
- scrap metal
- window glass
- all materials banned from disposal under the Nova Scotia Solid Waste Management Regulations and subsequent amendments;

2. (1) For the calendar years 2002 to 2005, a minimum of sixty per cent (60%) of all incoming C&D Material arriving at a C&D Processing Facility or Transfer Station shall be recycled or otherwise diverted from disposal.
- (2) For subsequent years, a minimum of seventy-five per cent (75%) of all incoming C&D Material arriving at a C&D Processing Facility or Transfer Station shall be recycled or otherwise diverted from disposal.