

**TOWN OF HAY RIVER
SOLID WASTE MANAGEMENT BY-LAW
BY-LAW NO. 2332/PWS/23**

A BY-LAW of the Council of the Municipal Corporation of the Town of Hay River in the Northwest Territories, to provide for the management of solid waste in the Town of Hay River, which includes the collection, transportation and disposal of solid waste, as per the authorities set out in the Cities, Towns and Villages Act S.N.W.T. 2003, c. 22 ("Cities, Towns and Villages Act"), and in the interests of the health, safety, and welfare of the residents of this Town.

WHEREAS pursuant to section 58 of the Cities, Towns and Villages Act, a municipal corporation may, for a municipal purpose, establish, deliver and operate services, public utilities and facilities and in doing so shall, in a by-law:

- a. set the terms and conditions applicable to users,
- b. set reasonable rates or amounts of deposits, fees and other charges,
- c. provide for charging and collecting deposits, fees and other charges,
- d. provide criteria for when service will be discontinued or refused, and
- e. provide for a right of entry onto private property to determine compliance with terms and conditions of use;

AND WHEREAS, pursuant to section 70 of the Cities, Towns and Villages Act, a council may make by-laws for municipal purposes respecting public utilities, programs, services, infrastructure and facilities provided or operated by, or on behalf of, the municipal corporation and the enforcement of by-laws;

AND WHEREAS, pursuant to section 72 of the Cities, Towns and Villages Act, a council may in a by-law, among other things:

- a. regulate or prohibit activities,
- b. deal with any activity or thing in different ways, divide each of them into classes and deal with each class in different ways,
- c. provide for a system of licenses, permits or approvals including any or all of the matters listed therein, and
- d. provide remedies for the contravention of a by-law;

AND WHEREAS, pursuant to section 90 of the Cities, Towns and Villages Act, a council may, in a by-law respecting a public utility, provide for the prohibition or regulation of the discharge of substances and liquids into a waste management system;

AND WHEREAS, pursuant to s. 10 of the Environmental Protection Act, R.S.N.W.T. 1988, c. E-7 ("Environmental Protection Act"), a municipal corporation may, by by-law prohibit or regulate the disposal of litter;

AND WHEREAS, the Town of Hay River deems it desirable and in the public interest to establish, operate, maintain r a solid waste management system in the Town of Hay River;

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NOW, THEREFORE, THE COUNCIL OF THE MUNICIPAL CORPORATION OF THE TOWN OF HAY RIVER, in regular session duly assembled, enacts as follows:

SHORT TITLE

1. This By-law may be cited as the "Solid Waste Management By-law".

PART 1 - INTERPRETATION

DEFINITIONS

2. (1) In this By-law the following terms, phrases and their derivatives shall have the meanings given herein. If or when they are not consistent with the context, words in the present tense shall include the future, words in the plural context include the singular, and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory. Words not defined shall be interpreted in accordance with the Interpretation Act, R.S.N.W.T. 1988, c. I-8 and the Cities, Towns and Villages Act, S.N.W.T. 2003, c. 22 and if not defined in either of these Acts, they are to be given their common and ordinary meaning.

"Biomedical Waste" means medical waste that requires special handling and disposal because of environmental, aesthetic, and health and safety concerns as well as risks to human health and includes:

- a. human anatomical waste,
- b. infectious human waste,
- c. infectious animal waste,
- d. microbiological waste,
- e. blood and body fluid waste, and medical sharps such as needles, syringes, blades, or other clinical or laboratory materials capable of causing punctures or cuts;

"Burn Permit" means a permit issued by the Town Fire Chief or his or her designate pursuant to the Fire Prevention By-law in the form prescribed by the Senior Administrative Officer from time to time;

"Child" means a person fourteen (14) years of age or younger;

"Commercial Premise" means any premise that is not a residential premise.

"Commercial Waste" means all solid waste generated by commercial, institutional and industrial premises except for special waste;

"Compactor" means a mechanism capable of reducing the volume of garbage by compaction;

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- "Construction Site"* means the location where building erection, renovation, demolition or work is being performed, and/or a location where surface or subsurface pipe work or mechanical work is being performed on any landscape or building where changes are being undertaken by anyone, or a location where excavations are being performed;
- "Construction Waste"* means any form of solid waste material including wood product, concrete, steel, iron, miscellaneous metals, gypsum product, clay product, non-contaminated soil or other granular fill, plastics and insulation that is generated at a construction site, but does not include hazardous waste;
- "Container"* means a dumpster, bin or compactor intended or used for the storage of household waste at multi-family unit premises, commercial waste at commercial premises, and construction waste at construction sites;
- "Council"* means the Council of the Town of Hay River;
- "Electronics/E-waste"* means any electronic device including but not limited to TVs, VCR/DVD/Blu-Ray Players, Stereos, Microwaves, Computers, Printers and Monitors;
- "Facility Attendant"* means a person employed by the Town or a Solid Waste Contractor and designated to carry out specific duties by the Senior Administrative Officer at any solid waste site;
- "Garbage Bag"* means a standard size 77 litre sturdy leak-proof plastic bag specifically manufactured and marketed to store household waste or commercial waste and does not include plastic bags that are intended for other purposes;
- "Garbage Receptacle"* means a standard size 130 litre bin intended or used for the storage of household waste;
- "Garbage Receptacle Limit"* Four (4) 130 Litre garbage receptacles of (4) 77 litre garbage bags per week. Garbage receptacles and garbage bags are limited to a maximum weight of 25 kg per receptacle or bag when full. ;
- "General Medical Waste"* means non-hazardous medical waste and includes soiled dressings, sponges, surgery drapes, lavage tubes, casts, catheters, disposable pads, disposable gloves, specimen containers, lab coats and aprons, tubings, filters, towels and disposable sheets, but does not include biomedical waste;

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<i>"Hazardous Waste"</i>	means any solid waste presenting an actual or potential danger to human health and safety or to other living organisms in the environment, including, but not limited to any materials requiring placards or labels as identified by Transport Canada under the Transportation of Dangerous Goods Regulations or that is otherwise regulated by the Federal and/or Territorial Governments;
<i>"Household Waste"</i>	means all solid waste generated by residential premises except for special waste;
<i>"Householder"</i>	means the occupant of residential premises, and where such premises are unoccupied or are within an apartment house means the owner, manager or caretaker thereof, but does not include a boarder, roomer or lodger nor the occupant of an apartment house;
<i>"Inspector"</i>	means the Senior Administrative Officer or an Officer designated by the Senior Administrative Officer;
<i>"Light load/Waste"</i>	means waste lighter than 100 kg/m ³ ;
<i>"Litter Receptacle"</i>	means a receptacle intended for public use for the collection of litter, but in any event excludes a container;
<i>"Multi-family Unit"</i>	means three (3) or more individual residential premises having common structural elements;
<i>"Officer"</i>	means a person who is appointed in accordance with the Cities, Towns and Villages Act as a By-law Officer to enforce the by-laws of the Town and any Peace Officer who is entitled by law to enforce the by-laws of the Town;
<i>"Oversized Load"</i>	means a load that is wider than 3.2 metres or 10 feet and 6 inches;
<i>"Owner"</i>	means the holder of title to a piece of property;
<i>"Person"</i>	means an individual human being or a corporation and includes a partnership, society, and an association or a group of persons acting in concert unless the context explicitly or by necessary implication otherwise requires;
<i>"Premise"</i>	means a property or portion thereof capable of being occupied or used for residential or commercial purposes;

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- "Public Lands"* means all lands accessible by the general public including streets, sidewalks and parks but does not include the Solid Waste Site;
- "Reasonable Time or Notice"* for the purpose of administration of this Bylaw shall mean a period of not less than 24 hours unless otherwise noted in this Bylaw;
- "Recyclables"* means types of solid waste designated for disposal at a recycling depot as defined by the Government of the Northwest Territories Waste Reduction and Recovery Program;
- "Recycling Depot"* means a Bottle Depot established by another order of government;
- "Residential Premise"* means a premise or a self-contained part thereof, occupied and used as a dwelling, unless otherwise designated as a commercial premise by the Senior Administrative Officer;
- "Salvage"* means reusable solid waste that has been deposited at designated areas of a solid waste site that are accessible to the general public;
- "Secured Load"* means a load enclosed in a vehicle or covered with a tarpaulin or similar cover such as a mesh blanket or plywood board that completely and securely encloses the load and that is properly attached to the vehicle or trailer so as to prevent any part of the load from falling off of the vehicle or out of the trailer;
- "Senior Administrative Officer"* means the Senior Administrative Officer of the Town of Hay River, appointed pursuant to the Cities, Towns and Villages Act, or his or her designate;
- "Single Family Unit"* means a self-contained residential unit with its own entrance that is not accessed through another dwelling unit, but does not include a multifamily unit premise;
- "Solid Waste"* includes any matter or material that is discarded, or is intended to be discarded;
- "Solid Waste Contractor"* means the person (or persons) who has an existing legal right granted by the Town of Hay River for the collection, removal and disposal of household waste and commercial waste, and designated special waste from time to time, from residential premises and commercial premises in the Town.
- "Solid Waste Site"* means the Town facility, or facilities, designated for the disposal of solid waste by the Senior Administrative Officer;

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- “Special Waste”*** means any solid waste that exceeds the size or weight restrictions set out in this By-law for household waste, or:
- a. yard waste;
 - b. hazardous waste;
 - c. biomedical waste;
 - d. construction waste;
 - e. animal waste;
 - f. and includes any other solid waste that requires special handling as designated by the Senior Administrative Officer from time to time and/or the payment of specified tipping fees as set out in Bylaw 2431 - Fees and Charges Bylaw – Schedule B - Part 9 – Solid Waste Facility Tipping Fees including:
 - I. wet filled lead acid batteries,
 - II. vehicles and vehicle parts including tires,
 - III. propane tanks,
 - IV. white goods,
 - V. animal carcasses including parts,
 - VI. hydrocarbon contaminated soil,
 - VII. non-contaminated soil,
 - VIII. scrap steel and metal,
 - IX. tree branches, stumps, roots and logs, and
 - X. cooking grease from commercial premises;
- “Tag”*** means a tag in the form prescribed by the Senior Administrative Officer;
- “Tipping Fees”*** means the fees levied and collected by the Town, for solid waste deposited at the Solid Waste Site;
- “Town”*** means the Town of Hay River, a municipal corporation in the Northwest Territories, and includes the area contained within the boundaries of the Town of Hay River where the context requires;
- “Vehicles”*** shall include all registered or unregistered motorized vehicles and any type of water or aircraft whether or not they remain capable of being operated either on a road or off road, a water way or in the air;
- “Vehicle Charge for the Disposal of Residential Waste”*** means the fee set out in Bylaw No. 2431 - Fees and Charges or any successor by-law;

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- “White Goods”* means a metal bath tub and any large household appliance including, but not limited to, refrigerators, freezers, stoves, dishwashers, air conditioners, washing machines, clothes dryers and hot water heaters;
- “Yard Waste”* means waste from gardening or horticultural activities and includes grass clippings or cuttings, shrubbery, and hedge prunings (excluding tree branches, stumps, roots and logs) leaves, and weeds, but does not include peels, rinds or other organic material produced as a result of food preparation.

3. RULES FOR INTERPRETATION

- (1) This By-law includes the Schedules annexed hereto, and the Schedules form part of this By-law.
- (2) Any marginal notes and headings in this By-law are for reference purposes only.
- (3) Any Act, Regulation or By-law that is referred to in this By-law shall be interpreted as including any successor Act, Regulation or By-law.
- (4) Each provision of this By-law is independent of all other provisions. If a Court of competent jurisdiction declares any provision invalid for any reason, all other provisions of this By-law shall remain valid and enforceable, and the By-law shall be interpreted as such.
- (5) Nothing in this By-law shall be deemed to nullify, amend, supersede or repeal any provisions of the bylaw(s) relating to fires or the provision of emergency services, but in the event of any conflict between such by-laws and this By-law, the provisions of this By-law shall be modified only to the extent necessary to give effect to the fire or other emergency response by-law(s); however the more stringent provisions shall be followed in any event.

PART 2 – ADMINISTRATION

4. AUTHORITY OF SENIOR ADMINISTRATIVE OFFICER

- (1) The Senior Administrative Officer is authorized, at his or her sole discretion, to:
 - (a) require, in order to maintain the integrity of a solid waste site and to otherwise determine compliance with this By-law, pre-testing to be done on, or

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- sampling to be done of, any solid waste placed for collection or otherwise presented or proposed for disposal to confirm the acceptability of such solid waste and/or to determine its composition;
- (b) deny the use of a solid waste site and/or collection services, on either a temporary or permanent basis, to any person who violates any of the terms of this By-law, including failing to pay the prescribed fees set out in Schedules C;
 - (c) evaluate and certify the acceptability for disposal of any solid waste not specifically dealt with in this By-law, but consistent with this By-law, upon receiving a written request by a person proposing to use the Solid Waste Site;
 - (d) specify an acceptable time schedule, and predisposal conditions for the delivery of solid waste that might otherwise cause undue operational difficulties at the Solid Waste Site;
 - (e) reject, in order to maintain the integrity of a solid waste site, any solid waste, for any reason including, but not limited to, non-segregation of solid waste when such segregation is required, volume, source, contents, disposal capability of a solid waste site or prevailing weather;
 - (f) designate materials as special waste;
 - (g) limit, restrict or make conditional back-yard composting when health or wildlife concerns arise;
 - (h) designate a premise having three (3) or more residential units as a single family unit for the purposes of collection, and to designate a premise having two (2) residential units as a multi-family unit premise for the purposes of the orderly collection of household waste (i) designate a premise falling within the definition of a residential premise as a commercial premise, and a commercial premise as a residential premise, for the purpose of the orderly collection of solid waste in the Town;
 - (j) grant approvals and permissions as set out in this By-law;
 - (k) determine the time and frequency of solid waste collection;
 - (l) establish specific dates from time to time when a householder may place specifically designated types of special waste for collection in a garbage receptacle or otherwise;
 - (m) designate areas at a solid waste site for the placement and subsequent removal of salvage items, in addition to designating areas at a solid waste site as restricted areas that are not to be assessed by unauthorized persons; and

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(n) make any rules or regulations that he or she may deem necessary concerning the safe use and efficient operation of a solid waste site and the general management of solid waste in the Town that do not otherwise contradict the provisions of this By-law.

5. AUTHORITY OF AN INSPECTOR

(1) An Inspector may inspect any place or thing where solid waste is reasonably believed to be present, including garbage receptacles and containers, and may initiate such remedial action, as deemed necessary in order to achieve compliance with the provisions of this By-law.

(2) An Inspector may issue a written order, if he or she finds that a person is contravening a provision of this By-law, directing the person to take any action or measure necessary to remedy the contravention and to prevent a reoccurrence of it.

(3) Where this By-law authorizes or requires anything to be inspected, remedied, or done by the Town, an Inspector may, after giving reasonable notice to the householder or owner of the land, vehicle or structure affected:

- (a) enter the land, vehicle or structure at any reasonable time, and carry out the inspection, remedy, enforcement or action authorized or required by this By-law;
- (b) require anything to be produced to assist in the inspection, remedy, enforcement or action; and
- (c) make copies of anything related to the inspection, remedy, enforcement or action.

(4) The Inspector shall, on request, display or produce identification showing that he or she is authorized to make entry.

(5) The Inspector authorized to perform a task under subsection (3) need *not* give reasonable notice and may enter at any hour and perform a task referred to in subsection (3) without the consent of the householder or owner, if the Inspector or Council is of the opinion that:

- (a) there is imminent danger to public health or safety; or
- (b) the action is warranted by extraordinary circumstances.

6. CHARGING BACK REMEDIAL COSTS

(1) Where the householder or owner of any building or premises who has been ordered by an Inspector to remedy any condition that is contrary to this By-law, and fails to comply with the order within the time specified therein, the Town may remedy the breach and the householder or owner shall be liable for the costs associated with the correction thereof.

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(2) Further to subsection (1), all expenses and costs incurred by the Town in remedying the condition are a debt owing to the Town by the person that contravened this By-law and may be recovered from the person in default by civil action for debt, or by charging it against the real property of which the person is the assessed owner in the same manner as arrears of property taxes under the Property Assessment and Taxation Act; and lastly they shall be in addition to, and not a substitute for, any fines or penalties to which the person may be subject under this By-law.

7. APPEALS

(1) Any person served with an order made pursuant to section 5 of this By-law, may appeal the decision to Council within fourteen (14) days of the date of such order and the decision of Council on such an appeal shall be final subject only to any applicable provision of the Cities, Towns and Villages Act.

(2) An appeal made under sub-section (1) shall:

- (a) be in writing, stating the reasons for the appeal;
- (b) be delivered to the Senior Administrative Officer; and
- (c) be heard by Council at a regular or special Council meeting within twenty-one (21) days from the date it is received.

(3) Where Council or the Senior Administrative Officer is of the opinion that there is imminent danger to public health or safety, they may:

- (a) specify a shorter appeal period, or
- (b) initiate action prior to the appeal being heard by Council.

(4) When hearing an appeal, Council may dismiss, uphold or vary the decision of the Inspector.

(5) Subject to subsection (3), no action on an order shall be taken until:

- (a) the period for commencing an appeal has expired and no appeal has been made, or
- (b) Council has dismissed an appeal.

8. AUTHORITY OF A SOLID WASTE CONTRACTOR

(1) With respect to the collection of waste, a Solid Waste Contractor, or its employees or agents, has the authority to:

- (a) determine, for the purposes of collection:
 - (i) whether a garbage receptacle meets the criteria established in section 10, and
 - (ii) whether the garbage receptacle limit has been exceeded;

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- (b) inspect waste from residential and commercial premises placed for collection to determine if it contains special waste; and
- (c) refuse to collect solid waste that:
 - (i) it reasonably believes to be or contain special waste, or
 - (ii) is household waste set out for collection in a garbage receptacle or a garbage bag that is required to have a tag attached to it and does not.

PART 3 – HOUSEHOLD AND COMMERCIAL WASTE COLLECTION, STORAGE, DISPOSAL & FEES

9. CONTRACTING

- (1) The Town may contract with any person and may grant an exclusive or non-exclusive right to any person or persons for the collection, removal, disposal and recycling of all or a portion of its solid waste on any terms and conditions that it deems to be proper and expedient, and that person or persons shall be the Town's Solid Waste Contractor(s).

Private Collection Contracts

- (2) Any person may choose to deliver and dispose of their own household waste at the solid waste site during normal hours of operation without charge.

General Provisions Applicable to Household and Commercial Waste

- (3) No person shall dispose of or place for collection household or commercial waste that has not been strained to eliminate excess liquids, and such strained household or commercial waste shall be placed in a garbage bag that completely encloses the contents and prevents any leakage or spillage.
- (4) On collection days and prior to collection, every garbage receptacle or container shall be made readily accessible from, and immediately adjacent to the lane adjoining the property from which it is to be collected and in the absence of such a lane, it shall be made readily accessible from within three (3) metres of the street adjoining such property.
- (5) On collection days every garbage receptacle or container shall be kept at either ground level or at a height of not more than one (1) metre above ground level.
- (6) Every person shall, immediately upon discovery or otherwise within twelve (12) hours of it occurring, clean-up and dispose of any household or commercial waste or other solid waste scattered or spilled by animals or whatever other means.

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- (7) The Town will not be responsible for damage to garbage receptacles or containers.
- (8) The Town will not be responsible for any damage to roads or infrastructure on a private site resulting from the operation of solid waste collection vehicles during solid waste collection activity at that private site.
- (9) Where household waste is placed in a receptacle other than a garbage receptacle or a garbage bag, the receptacle is deemed to be solid waste and may be collected as such.

Provisions specific to Household Waste from Single Family Unit Premises

- (10) (a) A tag purchased for the fee prescribed in Bylaw No. 2431 - Fees and Charges or any successor by-law shall be affixed to residential garbage receptacles or garbage bags placed by a householder for collection by the Town or a Solid Waste Contractor in excess of the garbage receptacle limit.
- (b) Any residential garbage receptacles and/or garbage bags placed by a householder for collection in a garbage receptacle in excess of the garbage receptacle limit will remain uncollected until a tag is placed on it.
- (11) No person shall place a portable garbage receptacle at any front yard or curbside collection location before 6:00 pm on the day prior to the scheduled collection day.
- (12) Every person who wishes to have their household waste collected shall place it for collection in the appropriate location no later than 8:00 a.m. on the scheduled collection day.
- (13) No person shall leave emptied portable garbage receptacles, or solid waste that has not been collected for any reason, at a front yard or curbside collection location later than noon of the day following collection. Provision specific to Household Waste from Multi-Family Unit Premises, and Commercial Waste from Commercial Premises
- (14) All owners of multi-family unit premises and commercial premises shall ensure that adequate arrangements for the timely removal and disposal of those types of solid waste are maintained at all times.
- (15) All owners of multi-family unit premises and commercial premises shall ensure that collection occurs at least every two (2) weeks if food product comprises a portion of the household or commercial waste to be collected.

10. GARBAGE RECEPTACLES & CONTAINERS

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- (1) Every householder and owner shall provide, maintain and keep in good order, repair, safe and operable condition, sufficient garbage receptacles or containers for all household waste or commercial waste generated upon the premises owned or managed by them; and shall only deposit household waste or commercial waste in the garbage receptacles or containers respectively and not in any other place.
- (2) All containers and garbage receptacles must meet any standards and requirements of the Town or a Solid Waste Contractor's vehicles used for automated solid waste collection.
- (3) Every occupant of commercial premises or multi-family unit premises shall dispose of their commercial waste or household waste in the container provided by the owner for that purpose.
- (4) Every owner of commercial premises or multi-family unit residential premises shall provide sufficient containers for all household waste or commercial waste generated upon the premises owned or managed by them.
- (5) Recyclables may be disposed of in a bin approved for this use by the Senior Administrative Officer.
- (6) No person shall, directly or indirectly, place or permit any person to place the following types of restricted solid waste in their garbage receptacle or container, or in any other place except in accordance with this By-law:

 - (a) hot ashes or burning matter;
 - (b) waste liquids or unwrapped wet household or commercial waste;
 - (c) sharp objects such as broken glass, nails, knives, metal or wood splinters;
 - (d) individual items, other than construction waste segregated in a container, that are longer than 1.2 metres (4 feet) in any dimension;
 - (e) biomedical waste;
 - (f) special waste;
 - (g) general medical waste, unless it is securely contained in a garbage bag; and
 - (h) waste that is otherwise unsafe for the Town or a Solid Waste Contractor to access or handle.
- (7) Notwithstanding section 10(1), a householder may place specifically designated types of special waste for collection when such an opportunity

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is advertised, subject to compliance with any conditions in the advertisement.

- (8) Every garbage receptacle and/or container shall be kept within the boundaries of the parcel of lands on which the premises that it is provided for are situated.
- (9) Garbage receptacles and containers shall be stored and maintained so as to not provide harborage for rodents or other animals in or near them. Garbage receptacles shall also be placed and kept in an upright condition so as to not be easily toppled and in such a manner that will prevent animals from breaking bags and/or scattering the contents.
- (10) Every householder and owner providing, maintaining or keeping a garbage receptacle or container required pursuant to section 10(1), shall provide a closefitting and otherwise good and sufficient cover for such garbage receptacle or container that is capable of keeping out animals and insects and shall keep such cover secured over the opening except when it is being filled or emptied.
- (11) No person shall fill or permit to be filled, any garbage receptacle or container to the point where the lid or cover cannot be properly secured.
- (12) (a) Notwithstanding any other provisions of this Bylaw, a garbage receptacle shall be sufficiently strong to hold the weight of household waste contained therein without breaking, have handles for lifting, be constructed of sturdy water-tight material, be loaded to allow for easy and safe removal of the contents by the Town or a Solid Waste Contractor, be kept both clean and reasonably free of odor; and shall not exceed:
 - (i) 25 kilograms (55 pounds) in weight when full; and
 - (ii) subject to subsection (b), a maximum volume of no more than 77 litres.

(b) A householder or owner may use a garbage receptacle with a volume greater than 77 litres if the household waste in it is securely and completely packaged in tied 77 litre garbage bags and the garbage bags can be easily removed without lifting the garbage receptacle.
- (13) No householder or owner shall permit waste to unduly accumulate on their premises.
- (14) When any garbage receptacle or container has been condemned by an Inspector and written notice to that effect has been given to the householder or owner, the condemned garbage receptacle or container

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shall be removed and disposed of by the householder or owner and if this is not done by him or her, the Town or a Solid Waste Contractor may do so at the direction of the Senior Administrative Officer and any costs associated with the removal may be charged back against the householder or owner that failed to effect the removal in a manner consistent with section 6.

11. SPECIAL WASTE

Segregation and Disposal

- (1) Every person shall segregate special waste by like type and dispose of it in accordance with the terms and provisions of this By-law, and pay the fees set out in Bylaw No. 2431 - Fees and Charges or any successor by-law applicable to special waste.

Yard Waste

- (2) Every person generating yard waste shall either compost it on their premises or shall dispose of it at a solid waste site in the area designated for its disposal.

Hazardous Waste

- (3) No hazardous waste other than the types listed with specific tipping fees as set out in Bylaw No. 2431 - Fees and Charges or any successor by-law from commercial premises will be accepted at a solid waste site without the prior written permission of the Senior Administrative Officer.

Biomedical Waste

- (4) No biomedical waste will be accepted at the Solid Waste Site.

Construction Waste

- (5) Any person carrying out the construction, alteration or demolition of a property or premise shall:
 - (a) remove from any portion of the street and from any other public place, adjacent to such work, all earth, rock, or construction waste that have been deposited thereon;
 - (b) maintain sufficient garbage receptacles or other approved containers on the construction site, and deposit all construction waste into them; and
 - (c) prevent construction waste from blowing onto other property.

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(6) Construction waste materials shall be separated by like type, in order to be deposited in specific locations within the Solid Waste Site.

(7) Construction waste, such hazardous waste originating from construction sites shall only be disposed of in accordance with the provisions of this By-law.

12. LITTER

(1) No person shall litter by depositing, disposing of, or leaving solid waste on public lands or on private lands within the Town.

(2) Litter receptacles shall only be used for the disposal of litter, and not household waste, commercial waste, or special waste.

(3) No unauthorized person shall damage or remove a litter receptacle.

(4) (a) Any person who directly or indirectly sponsors public events on public lands or waters shall:

(i) provide litter receptacles within the event confines at the minimum ratio of one (1) – 77 litre capacity litter receptacle or an equivalent for every fifty (50) people in attendance;

(ii) have the contents of the litter receptacles removed and/or collected as often as required so as to comply with the provisions of this By-law, but in any event no less than once per day;

(iii) have all the litter within the site collected as soon as is practicable once the event has ended, but in any instance no longer than four (4) hours after the event has ended; and

(iv) contain and collect any and all litter both on the site and blowing off the site.

(b) Failure to comply with subsection (4)(a) is an offence and in addition to any fine imposed may result in the offender being denied the opportunity of sponsoring a similar event in the future, which decision shall be made by the Senior Administrative Officer.

(5) The owner of a convenience store, a fast food restaurant, a drive-through restaurant, a school, or a gas station, any retail outlets in excess of 5000 square feet, and any other commercial premises that the Senior Administrative Officer has directed in writing to maintain litter receptacles on the basis that the activities on the commercial premises shall ensure that there are sufficient litter receptacles on the premises and shall further ensure that they are:

(i) maintained in good condition;

(ii) weighted or anchored so they cannot be inadvertently overturned;

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- (iii) of suitable size and at sufficient locations to discourage litter; and
- (iv) emptied into a container when full.

13. RECYCLABLES

- (1) Notwithstanding the fact that the Town encourages, as part of the its waste diversion strategy, the recycling of recyclables, an occupant may deposit recyclables in landfill as household waste.

14. SOLID WASTE SITE

Authority of Solid Waste Facility Attendants

- (1) The solid waste facility attendants that are present at a solid waste site at any time are deemed to be the designates of the Senior Administrative Officer for the purposes of the supervision and control of the Solid Waste Site, including conducting inspections and providing directions.
- (2) Every person utilizing a solid waste site shall obey all signs, posted regulations and directions of the solid waste facility attendants.
- (3) Every person seeking to enter the area of a solid waste site beyond the scale shall, upon request to do so by a solid waste facility attendant, declare the type or types of solid waste that constitute their load for disposal.
- (4) A solid waste facility attendant may inspect any vehicle and/or load arriving at a solid waste site for the purpose of ensuring compliance with the provisions of this By-law and such inspection can include automated radiation detection, visual and manual inspection, use of hand held test instruments and the taking of samples for the purpose of laboratory or other further inspection.
- (5) When a load is selected for inspection the vehicle operator shall either comply with the directions of a solid waste facility attendant or shall immediately remove the load from the Solid Waste Site.
- (6) A solid waste facility attendant may instruct a vehicle operator to deposit the load in a designated holding area, may request information regarding the nature and the source of the load, and may request that the vehicle operator sign a statement confirming the accuracy of the information given.
- (7) Where a solid waste facility attendant or an Inspector determines through inspection and testing that a load of solid waste is unsuitable for acceptance at the Solid Waste Site, he or she shall inform the vehicle operator or other appropriate person of the results and that person shall, as soon as it is practicable to do so, transport the load from a solid waste site to another solid waste processing site that is licensed and otherwise able to accept it.

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(8) If the person does not comply with the direction to remove and relocate the load as soon as is practicable, the Town may arrange for the immediate transport and proper disposal of the load and to further assess a penalty pursuant to Part 5 of this By-law.

(9) Where a load is determined by a solid waste facility attendant or an Inspector to be unsuitable for disposal at a solid waste site the person attempting to dispose of the load will be liable for all related costs incurred by the Town including:

- (a) inspection costs;
- (b) laboratory analysis costs;
- (c) hauling, disposal, and facility decontamination costs where applicable; and
- (d) any other related costs.

Non-payment of Fees

(10) The Town may suspend acceptance of solid waste loads from any person with outstanding fees, charges or penalties.

Segregation of Waste

(11) Every person accessing a solid waste site shall segregate their solid waste so as to allow for its disposal into the appropriate area designated by the Senior Administrative Officer, or as otherwise required by the Senior Administrative Officer.

(12) At a Solid Waste Site, every person shall deposit solid waste in the areas designated for that type of solid waste by the Senior Administrative Officer.

Supervision of Children

(13) Every person that accesses a solid waste site and is accompanied by a child shall provide direct supervision for that child, and anyone that fails to do so is both guilty of an offence and may be directed to leave a solid waste site by a solid waste facility attendant

Public Access Areas

(14) Public access at a solid waste site shall be limited to areas as may be designated from time to time by the Senior Administrative Officer.

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Smoking

(15) Smoking by the general public is prohibited at the solid waste site. Smoking by facility attendants is only permitted in areas designated as such by the Senior Administrative Officer.

15. FEES

(1) Every owner of residential premises or commercial premises, a Solid Waste Contractor and any other person disposing of solid waste shall pay the fees and charges applicable to them as set out in Bylaw No. 2431 - Fees and Charges or any successor by-law.

(3) The Vehicle Charge for the Disposal of Residential Waste is applicable to all residential vehicles that enter a solid waste site for the purpose of disposing of solid waste, but does not apply to those residential vehicles only containing tagged household waste.

(4) During any period that the weigh scale is inoperable either due to planned maintenance or repair or if otherwise specified as such by the Senior Administrative Officer, the Supplementary Tipping Rates established in Bylaw No. 2431 - Fees and Charges or any successor by-law shall apply for loads that otherwise would be assessed fees on a weight basis.

(5) Notwithstanding subsection (3), the Senior Administrative Officer may suspend the requirement for the payment of the Vehicle Charge for the Disposal of Residential Waste fee for a one (1) week period three (3) times each year.

(6) All fees and charges payable by a person under this By-law are a debt owing to the Town and may be recovered from a person in default by civil action for debt.

PART 4 – GENERAL PROVISIONS

16. BURNING OF HOUSEHOLD OR COMMERCIAL OR OTHER SOLID WASTE MATERIAL

(1) No person shall burn any waste material in the Town unless that person has a burn permit issued to them authorizing them to do so.

17. LIABILITY WAIVER

(1) Any person using a solid waste site shall do so at their own risk, and neither the Town nor its Council, officers or employees shall be liable for any claims for damages for injury or damage to any persons or property arising from the operation of the solid waste management system.

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PART 5 – GENERAL PROHIBITIONS & ENFORCEMENT

18. GENERAL PROHIBITIONS

- (1) No person shall supply false or misleading information or make inaccurate or untrue statements in any document or information required to be supplied to the Senior Administrative Officer, a solid waste facility attendant or an Inspector pursuant to this By-law.
- (2) No person shall dispose of solid waste at a solid waste site, or access a solid waste site except during the posted normal hours of operation.
- (3)
 - (a) No person shall use, or permit to be used, any vehicle or trailer for the conveyance or storage of solid waste unless such vehicle or trailer is fitted with a cover such as a tarpaulin, a mesh blanket or plywood board that is secured to the vehicle or trailer and is capable of preventing the dropping, spilling or blowing off of solid waste while it is being stored in, or transported by, the vehicle or trailer.
 - (b) Without limiting the ability of the Town to proceed with enforcement action against a person transporting solid waste that is not covered the fee to be charged for all loads of solid waste that are either uncovered or improperly covered that arrive at a solid waste site shall be double the fee(s) set out in Bylaw No. 2431 - Fees and Charges or any successor by-law.
- (4) No person other than the owner or a person with the owner's express or implied consent shall pick over, interfere with, disturb, remove or scatter any household or commercial waste howsoever placed for collection unless authorized to do so by the Senior Administrative Officer for the purposes of collection, ensuring compliance with the provisions of this By-law or conducting research on the composition of solid waste placed for collection.
- (5) No person shall fail to comply with the order or direction of an Inspector, and nothing in this By-law relieves a person from complying with any federal or territorial law or regulation, other by-law or any other requirements of any lawful permit, order, consent or other direction.
- (6) No unauthorized person shall access any area of a solid waste site not designated as being accessible by the general public.

19. SUMMARY CONVICTION OFFENCE - STRICT LIABILITY OFFENCE

**TOWN OF HAY RIVER
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- (1) Any person that contravenes any provision of this Bylaw by:**
 - (a) doing any act or thing that the person is prohibited from doing, or**
 - (b) failing to do any act or thing the person is required to do, is guilty of an offence, and any offence created pursuant to this By-law shall be considered to be a strict liability offence.**
- (2) Any person who is convicted of an offence pursuant to sub-section (1) is liable on summary conviction:**
 - (a) in the case of a corporation, to a fine not exceeding \$10,000; or**
 - (b) in the case of an individual, to a fine not exceeding \$2,000, or to imprisonment for a term of not more than six (6) months in default of payment of the fine.**

20. CONTINUING OFFENCE

- (1) In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this By-law for each such day.**

21. JOINT AND SEVERAL LIABILITY OF OWNERS FOR FINES, FEES AND CHARGES

- (1) Whenever there are fines, fees or charges payable pursuant to this By-law and there is more than one owner of the property to which they apply, each shall be jointly and severally liable for their payment.**

22. MINIMUM AND SUBSEQUENT FINES

- (1) The minimum fine that may be imposed for a contravention of a particular section of this By-law shall be the specified penalty applicable for a first offence against the particular section, as set out in column one of Schedule "C".**
 - (2) Where a person is convicted of a second, third, or subsequent offence against a particular section of this By-law, and where those offences have occurred within any twenty-four (24) month period, the specified penalties applicable to the second, third and subsequent offences shall be those amounts set out in columns two and three, respectively, of Schedule "C".**

23. VIOLATION TICKET

**TOWN OF HAY RIVER
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(1) Where an Officer reasonably believes that a person has contravened any provision of this By-law, the Officer may serve upon the person a violation ticket, in the form provided under the Summary Conviction Procedures Act, and such person may, in lieu of prosecution, pay the Town the voluntary penalty set out in Schedule "C" for the offence, prior to the court date specified on the violation ticket. This section shall not prevent any Officer from issuing a violation ticket requiring a court appearance of the defendant, pursuant to the provisions of the Summary Conviction

Procedures Act or from laying an Information in lieu of issuing a violation ticket.

24. OTHER PENALTIES

(1) In addition to any fine that may be levied, a court may order a person convicted of an offence under this By-law:

(a) to pay any fee or charge that may otherwise be payable by the person to the Town in respect of any license or permit that should have been obtained by the person;

(b) to pay any costs that the Town is entitled to in respect of the offence; and

(c) to do or refrain from doing any activity that the court may specify.

PART 6 - REPEALS

25. Solid Waste Management Bylaw 2432 is hereby repealed.

PART 7 – EFFECT

26. Except where otherwise expressly stated in this By-law, this By-law shall come into effect upon receiving Third Reading and otherwise meeting the requirements of Section 75 of the Cities, Towns and Villages Act.

PART 8 – Fee and Charges

27. Fees and Charges can be located in Bylaw No. 2431 - Fees and Charges Bylaw)

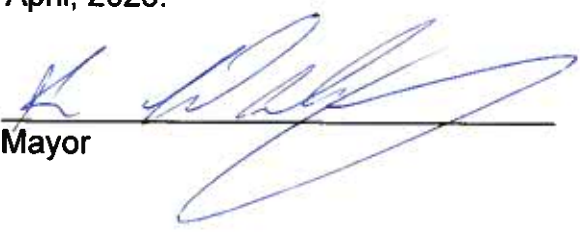
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READ A FIRST TIME this 24th day of April, 2023.



Mayor

READ A SECOND TIME this 24th day of April, 2023.



Mayor

READ A THIRD AND FINAL TIME this 16th day of May, 2023.



Mayor

CERTIFIED that this bylaw has been made in accordance with the requirements of the Cities, Towns and Villages Act, S.N.W.T., 2003 c.22 and the bylaws of the Municipal Corporation of the Town of Hay River this 16th day of May, 2023.



Senior Administrative Officer

TOWN OF HAY RIVER
SOLID WASTE MANAGEMENT BY-LAW
BY-LAW NO. 2332/PWS/23

SCHEDULE "C"

PENALTIES

Offence	Section	Penalty		
		1 st Offence	2 nd Offence	3 rd Offence
Maintaining <i>garbage receptacles</i> or <i>containers</i> , or the unauthorized disposal of waste	10(1), 10(2) & 10(3)	\$300.00	\$450.00	\$600.00
Disposing of restricted <i>solid waste</i> in a <i>garbage receptacle</i> or <i>container</i>	10(5)	\$200.00	\$350.00	\$500.00
Permitting <i>solid waste</i> to unduly accumulate on <i>premises</i>	10(12)	\$200.00	\$350.00	\$500.00
Littering	12(1)	\$200.00	\$350.00	\$500.00
Depositing <i>residential</i> or <i>commercial waste</i> in a <i>litter receptacle</i>	12(2)	\$200.00	\$350.00	\$500.00
Damaging or removing a <i>litter receptacle</i>	12(3)	\$200.00	\$350.00	\$500.00
Failing to provide sufficient <i>garbage receptacles</i> at a public event, collect the <i>garbage</i> in them or contain <i>waste</i> on the site	12(4)	\$500.00	\$750.00	\$1000.00
Unauthorized use of <i>recycling depots</i> or designated recycling areas	13(1) - 13(5)	\$200.00	\$350.00	\$500.00
Unauthorized <i>salvage</i> in a restricted area of the <i>Solid Waste Site</i>	14(16)(b)	\$200.00	\$350.00	\$500.00
Unauthorized burning of <i>solid waste</i>	16	\$500.00	\$750.00	\$1000.00
Providing false or misleading information	19(1)	\$200.00	\$300.00	\$400.00
Accessing or disposing of <i>waste</i> at a <i>solid waste site</i> outside posted hours of operation	19(2)	\$300.00	\$450.00	\$600.00
Unsecured load	19(3)	\$150.00	\$250.00	\$350.00
Picking over, interfering with, disturbing, removing or scattering any <i>waste</i> from/at <i>residential</i> or <i>commercial premises</i>	19(4)	\$200.00	\$350.00	\$500.00
Failure to comply with the order or direction of an <i>Inspector</i>	19(5)	\$300.00	\$450.00	\$600.00

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VOLUNTARY PENALTIES (Continued)				
Unauthorized access to a restricted area at the <i>Solid Waste Site</i>	19(6)	\$200.00	\$350.00	\$500.00
Doing any other act or thing that the <i>person</i> is prohibited from doing or failing to do any act or thing that the <i>person</i> is required to do	20(1)	\$100.00	\$150.00	\$225.00