

TOWN OF HAY RIVER
WASTE MANAGEMENT BYLAW
BYLAW NO. 2466/IPS/25

A BYLAW of the Municipal Corporation of the Town of Hay River (the "Town") in the Northwest Territories to provide for the management of waste, which includes the collection, transportation and disposal of waste;

WHEREAS the Town deems it desirable and in the public interest to manage and regulate waste and litter within its municipal boundaries;

NOW, THEREFORE, THE COUNCIL OF THE MUNICIPAL CORPORATION OF THE TOWN OF HAY RIVER enacts as follows:

SHORT TITLE

1. This Bylaw may be cited as the "Waste Management Bylaw".

PART 1 –DEFINITIONS & RULES FOR INTERPRETATION

DEFINITIONS

2. In this Bylaw the following terms, phrases, and their derivatives shall have the following meanings:

<i>"Beverage Container"</i>	has the meaning given to it in the <i>Beverage Container Regulations</i> , R-067-2005;
<i>"Biomedical Waste"</i>	has the meaning given to "waste" in Part 31 of the OHSRs;
<i>"Child"</i>	means a natural person fourteen (14) years of age or younger;
<i>"Commercial Property"</i>	means, subject to any designation by the SAO under their powers in Section 5, any Property that is not a Residential Property; for greater certainty, "Commercial Property" includes Multi-family Properties;
<i>"Commercial Receptacle"</i>	means any receptacle used to receive and store Commercial Waste at a Commercial Property;
<i>"Commercial Waste"</i>	means all Solid Waste generated on any Commercial Premise, but does not include any Special Waste so generated;
<i>"Construction Site"</i>	means any location where "construction", as that word is defined in the OHSRs, is being performed;
<i>"Construction Waste"</i>	means any Solid Waste that is generated at or collected from a Construction Site, but does not include Special Waste;
<i>"Corridor"</i>	means the area within the Town that is south of the junction of "Hay River Highway No. 2" and "Fort Smith Highway No. 5", as those

highways are defined in the *Highway Designation and Classification Regulations, R-047-92*;

- "Council" means the Council of the Town;
- "CTVA" means the *Cities, Towns and Villages Act, SNWT 2003, c 22*;
- "Dwelling Unit" has the meaning given to it in the Zoning Bylaw, except that such unit must only be used primarily, not exclusively, as a residence or living quarters; for greater certainty, however, "mixed-use developments" as that term is defined in the Zoning Bylaw are excluded from this definition;
- "Electronics" has the meaning given to it in the *Electronics Recycling Regulations, R-071-2015*;
- "Facility Attendant" has the meaning given to it in Section 16(3);
- "Fees Bylaw" means the Town's *Fees and Charges Bylaw No. 2431*;
- "Fire Bylaw" means the Town's *Fire Prevention Bylaw No. 2238/PS/24*;
- "Fire Permit" means a fire permit issued under the Fire Bylaw;
- "Garbage Receptacle" has the meaning given to it in Section 12(3);
- "Hazardous Waste" means any "hazardous substance", as that term is defined in the OHSRs, that is also Waste, including any such Waste that is also Liquid Waste;
- "Inspector" has the meaning given to it in Section 6(1) of this Bylaw;
- "Litter Receptacle" means any receptacle used for any purposes under Section 14, but excludes any Garbage Receptacle or Commercial Receptacle;
- "Liquid Waste" means any Waste that has free liquids;
- "Multi-family Property" has the meaning given to "housing, multiple unit" in the Zoning Bylaw, except that it excludes townhouses and "housing, row housing", as such term is defined in the Zoning Bylaw;
- "Occupier" means any Person that occupies or appears to occupy a Property or any part thereof, including a tenant, other than an Owner;
- "OHSRs" means the *Occupational Health and Safety Regulations, R-039-2015*;

"O&M Plan"	means the current Solid Waste Facility Operation and Maintenance Plan approved by the Mackenzie Valley Land and Water Board under the Town's Water Licence;
"Owner"	has the meaning given to "assessed owner" in PATA;
"PATA"	means the <i>Property Assessment and Taxation Act</i> , RSNWT 1988, c P-10;
"Person"	includes natural persons, corporations, societies, cooperatives, government entities, partnerships, and unincorporated associations or other groups of persons acting in concert;
"Property"	has the meaning given to "assessed property" in PATA;
"Public Lands"	means any and all land under the ownership, custody, or control of the Town, and, for greater certainty, includes roads and sidewalks;
"Residential Property"	means, subject to any designation by the SAO under their powers in Section 5, any Property that consists of two or fewer Dwelling Units with shared waste collection, but, for greater certainty, this excludes "mixed-use developments" and includes townhouses and "housing, row housing", as such terms are defined in the Zoning Bylaw;
"Residential Waste"	means Solid Waste originating from Residential Properties, including Yard Waste, but not including any Special Waste so originating;
"SAO"	means the Senior Administrative Officer of the Town or their designate(s);
"Solid Waste"	means any Waste other than Liquid Waste and Special Waste;
"Solid Waste Contractor"	has the meaning given to it in Section 11(1);
"Solid Waste Site"	means a place designated as such by the SAO per their powers in Section 5;
"Special Waste"	means, subject to any designation by the SAO under their powers in Section 5, any material, object, or Waste listed in Section 13;
"Tipping Fees"	means those fees listed in Part 9 of Schedule B of the Fees Bylaw;
"Town"	means the Municipal Corporation of the Town of Hay River and/or the geographical area contained within the boundaries thereof as context requires;

- “Vehicle”* includes, whether registered or unregistered, any “vehicle” (as such term is defined in the *Motor Vehicles Act*, RSNWT 1988, c M-16), “all-terrain vehicle” (as such term is defined in the *All-Terrain Vehicles Act*, RSNWT 1988, c A-3), “aircraft” (as such term is defined in the *Aeronautics Act*, RSC 1985, c A-2, except that in this Bylaw this term shall exclude any “small remotely piloted aircraft” as such term is defined in the *Canadian Aviation Regulations*, SOR/96-433), a “vessel” (as such term is defined in the *Canada Shipping Act*, 2001, SC 2001, c 26), and any/all like conveyances or devices;
- “Waste”* means any solid or liquid material or product or combination of them that is intended to be treated or disposed of or that is intended to be stored and then treated or disposed of;
- “Waste Levy”* has the meaning given to it in Section 17(4);
- “Water and Sewer Bylaw”* means the Town’s *Water and Sewer Bylaw*, No. 1786;
- “Water Licence”* means the current water licence(s) issued to the Town by the Mackenzie Valley Land and Water Board under the *Mackenzie Valley Resource Management Act*, SC 1998, c 25, that regulates the operations of the Town’s Solid Waste Sites and/or other Waste management operations;
- “White Goods”* means a metal bathtub and any large household appliance; including 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, prunings (excluding large tree branches, stumps, roots, and logs), leaves, and weeds; and
- “Zoning Bylaw”* means the Town’s *Zoning and Building Bylaw*, No. 2444-22b.

3. RULES FOR INTERPRETATION

- (1) This Bylaw includes the Schedules annexed hereto, and these Schedules form part of this Bylaw.
- (2) All words and phrases in this Bylaw shall be interpreted with such changes in grammar, number, and gender as context requires.

- (3) In this Bylaw, “includes”, “including”, and all similar words and phrases shall be interpreted non-exclusively and read to mean, “includes, but not limited to”, “including, but not limited to”, and the like.
- (4) Any marginal notes and headings in this Bylaw are for reference purposes only and shall not affect the interpretation of this Bylaw.
- (5) Any Act, Regulation, or bylaw or section or other subdivision thereof that is referred to in this Bylaw shall be interpreted as including any amendments thereto and any successor Act, Regulation, or bylaw or section or other subdivision thereof thereto.
- (6) Each provision of this Bylaw is independent of all other provisions. If a Court of competent jurisdiction declares any provision invalid for any reason, all other provisions of this Bylaw shall remain valid and enforceable, and the Bylaw shall be interpreted as such.
- (7) Nothing in this Bylaw 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 bylaws and this Bylaw, unless this Bylaw contains a more stringent provision than the conflicting bylaw, the provisions of this Bylaw shall be modified only to the extent necessary to give effect to the fire or other emergency response bylaw(s).
- (8) Any reference to the Town or any other Person includes the employees, officers, contractors, agents, and/or other personnel of the Town or that Person as context requires.
- (9) In this Bylaw, the word “shall” is always mandatory and not merely directory.
- (10) Any word not defined in this Bylaw but defined in the *Interpretation Act*, SNWT 2017, c 19, or the CTVA shall have the definition given to it in these Acts, and, if not defined in either of these Acts, shall be given their common and ordinary meaning.

PART 2 – ADMINISTRATION

4. BYLAW OFFICERS

- (1) Every Person appointed to the positions of SAO, Inspector, and Facility Attendant is a “bylaw officer” under Section 137 of the CTVA for the purposes of this Bylaw.

5. AUTHORITY OF SAO

- (1) In addition to those powers, duties, and functions elsewhere in this Bylaw, the SAO may:
 - (a) subject to the provisions of the Water Licence and O&M Plan, decide whether any material or kind of Waste not classified in this Bylaw is suitable for disposal in a Solid Waste Site or as Residential or Commercial Waste;
 - (b) specify any supplemental terms and conditions of using a Solid Waste Site, including setting its opening and operating hours;
 - (c) specify any supplemental terms and conditions of using any Waste collection services offered or provided by the Town or a Solid Waste Contractor;
 - (d) designate Solid Waste Sites;
 - (e) designate sites and receptacles for the disposal of any kinds of recyclable Wastes;
 - (f) subject to the rules and requirements of the Water Licence and O&M Plan, designate materials not so designated by this Bylaw as Special Waste;
 - (g) designate a Property falling within the definition of Residential Property as a Commercial Property and a Property falling within the definition of Commercial Property as a Residential Property for any purpose(s) of this Bylaw;
 - (h) determine the time and frequency of Residential Waste and other Waste collection;
 - (i) establish specific dates from time to time when specifically designated types of Special Waste may be set out for collection and any terms and conditions therefor;
 - (j) establish systems for billing and collecting rates, fees, and charges; and
 - (k) delegate any of their powers, duties, or functions under this Bylaw to employees of the Town.

6. INSPECTOR

- (1) The SAO may designate employees of the Town as Inspectors to exercise the powers, authorities, and obligations of an Inspector set out in this Bylaw. Unless the SAO delegates the position to another employee of the Town, the SAO shall be an Inspector.
- (2) Subject to any applicable rules in this Bylaw and the CTVA, an Inspector may inspect any place or thing where Waste is or is reasonably believed to be present or where they have reason to believe any Person or thing may not be in compliance with any provision of this Bylaw.

- (3) Subject to any applicable rules in this Bylaw and the CTVA, an Inspector may initiate such remedial action necessary or prudent to remedy any contravention of any provisions of this Bylaw.
- (4) Subject to the rules and requirements for the same in the CTVA, if an Inspector determines that a Person or any condition on or in any Property or thing they are or appear to be responsible for is contravening a provision of this Bylaw, the Inspector may issue written orders under Section 144 of the CTVA to any such Person that direct such Person to take any action or measure necessary to remedy the contravention and/or to prevent a reoccurrence of it.
- (5) Subject to the rules and requirements for the same in the CTVA and any relevant order, in the event any Person subject to such order fails to comply with it in part or in whole, the Town may take any actions or measures necessary to remedy any contraventions described in such order or to prevent a recurrence of such contraventions.
- (6) Failure to comply with such an order is an offence.
- (7) Where this Bylaw authorizes or requires anything to be inspected, remedied, enforced, or done by the Town, an Inspector may, after giving reasonable notice to the Owner and/or Occupier of the land or structure affected:
 - (a) enter the land or structure at any reasonable time, and carry out the inspection, remedy, enforcement, or action authorized or required by this Bylaw;
 - (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.
- (8) An Inspector shall, on request, display or produce identification showing that they are authorized to make entry.
- (9) An Inspector authorized to perform a task under Subsection (7) need *not* give reasonable notice and may enter at any hour and perform a task referred to in Subsection (7) without the consent of the Owner or Occupier, 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.

7. RESPONSIBILITY FOR COSTS

- (1) Any Waste Levy charged pursuant to this Bylaw that has not been paid by the end of the fiscal year in which it has been levied, shall be a charge against the lands or premises of which the charges are levied, subject to the same penalties and collectable in the same manner as arrears of property taxes under PATA.
- (2) Where an Owner or Occupier of any Property or part thereof who is subject to an Inspector's order fails to comply with the order within the time specified therein, and the Town takes action or measures under Section 6(5), the Owner or Occupier shall be liable for the costs associated with all such actions or measures taken by the Town.
- (3) Further to Subsection (1), all expenses and costs incurred by the Town in taking any action or measures under Section 6(5) are a debt owing to the Town by the Person subject to any related order and may be recovered from such Person 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 PATA; further all such expenses and costs shall be in addition to, and not a substitute for, any other penalties to which such Person may be subject under this Bylaw.

8. APPEALS

- (1) Any Person given an order under this Bylaw may appeal the same per the procedures for such an appeal in the CTVA.

9. AUTHORITY OF A SOLID WASTE CONTRACTOR

- (1) With respect to the collection of Waste, a Solid Waste Contractor has the authority to:
 - (a) inspect Waste set out for collection to determine if it contains Special Waste and if it and how it is set out otherwise conforms with the rules of this Bylaw; and
 - (b) refuse to collect Waste if it contains Special Waste or if it or how it is set out otherwise does not comply with the rules in this Bylaw.

PART 3 –WASTE COLLECTION, STORAGE, DISPOSAL, & FEES

10. PROHIBITIONS

- (1) No Person may dispose of Waste within or dispose of Waste originating within the Town except in accordance with this Bylaw.
- (2) Any Person whose Waste is not collected by the Town or a Solid Waste Contractor must either transport or make arrangements for the transport of their Waste to a Solid Waste Site or to a site outside of the Town where the relevant Waste can legally be disposed of.
- (3) Any Person must transport or arrange for the transportation of any and all Waste they are responsible for that is not accepted or acceptable at a Solid Waste Site to a site outside of the Town where the relevant Waste can legally be disposed of. Such Waste is not allowed to accumulate, and must be removed from Town within three (3) months of its creation or accrual.

11. CONTRACTING

- (1) Subject to the requirements of the CTVA, 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/or recycling of all or a portion of Waste generated in the Town on any terms and conditions that it deems to be prudent or convenient, and that Person or Persons shall be the Town's Solid Waste Contractor(s).

Waste Self-Disposal

- (2) Any Person may deliver and dispose of their own Waste at the Solid Waste Site during its normal hours of operation; however, for greater certainty, any Person so doing will be required to pay Tipping Fees for the same and will not be relieved of any applicable obligation to pay the Waste Levy.
- (3) The SAO may set rules regarding or prohibit entirely outdoor composting.

12. WASTE COLLECTION

Collection of Residential Waste

- (1) All collections services for Residential Waste are subject to the provisions, terms, and conditions for the same contained in this Bylaw; further, such provisions, terms, and conditions may be supplemented by any contract between the Town and/or a Solid Waste Contractor and any resident accepting or making use of such services.

- (2) The Town will, either itself or through a Solid Waste Contractor, collect Residential Waste in Town, except in the Corridor.
- (3) The Town will provide one (1) standard-sized (per specifications for the same set from time to time by the SAO) garbage receptacle (a "Garbage Receptacle") without any charge for the same to each Residential Property for the collection of Residential Waste.
- (4) Any Owner or Occupier that wishes to have more than one (1) Garbage Receptacle may make a request for one (1) additional Garbage Receptacles to the SAO (and no more), and such additional Garbage Receptacle will be provided by the Town within two (2) weeks of receiving the payment of the fee for the same as set out in the Fees Bylaw. All Owners and Occupiers shall ensure that they have sufficient Garbage Receptacles to prevent the accumulation of Waste on their Properties.
- (5) The Town is not responsible for any loss, damage to, or destruction of Garbage Receptacles. In the event the Garbage Receptacle provided to a Residential Property in the opinion of any of the SAO, an Inspector, a Solid Waste Contractor, or an Owner or Occupier, needs to be replaced (including for any reason listed in Section 12(11)(j) and for any other reasonable reason), the Town or its Solid Waste Contractor will provide a replacement Garbage Receptacle within two (2) weeks and will invoice the relevant Owner or Occupier for the cost.
- (6) Only Garbage Receptacle(s) provided by the Town may be used for the collection of Residential Waste by the Town or a Solid Waste Contractor.
- (7) Residential Waste set out for collection will not be collected if:
 - (a) it is in any receptacle other than a Garbage Receptacle;
 - (b) it is set out for collection outside any receptacle;
 - (c) it is not set out for collection by 8:00 AM on the scheduled collection day for the Residential Property in question;
 - (d) it contains anything prohibited by Section 12(25); or
 - (e) it is done in a manner that violates any of the rules contained in Section 12(11) or directions issued under Section 12(10).
- (8) No Person shall set out a Garbage Receptacle for Residential Waste collection before 6:00 PM on the day prior to the scheduled collection day for any Residential Property.
- (9) No Person shall leave Garbage Receptacles or Waste that has not been collected for any reason set out later than noon of the day following a scheduled collection day for any Residential Property.

- (10) Any provisions of this Bylaw notwithstanding, the SAO or any Solid Waste Contractor may give an Owner or Occupier directions in writing as to how and where their Garbage Receptacle(s) shall be placed for Residential Waste collection.
- (11) Unless otherwise directed by the SAO or the Solid Waste Contractor, every Owner and Occupier must ensure that a Garbage Receptacle that has been set out for collection:
- (a) is located at least one (1) metre from any obstruction (e.g. parked vehicles, trailers, poles, fire hydrants, snow piles, etc.);
 - (b) is directly in front of the Residential Property using it;
 - (c) is no further than thirty (30) centimeters from the curb or shoulder of the road;
 - (d) is not located under any obstruction that is less than three (3) metres above it;
 - (e) is on a reasonably level and even surface such that it will not be likely to fall over;
 - (f) is placed in an upright position with its front facing the road;
 - (g) is not overfilled and has the lid completely closed, but not chained, fastened, or locked shut;
 - (h) is not so heavy that it cannot be properly or easily lifted into a collection vehicle;
 - (i) is not chained, tied, or fastened to any other object;
 - (j) has not become so damaged as to render it unfit for purpose, unable to retain all Residential Waste placed into it, and/or unable to be properly, safely, or easily lifted into a collection vehicle;
 - (k) does not contain Residential Waste that is packed down such that it cannot fall out freely during collection; and
 - (l) is otherwise placed such that it does not impede or pose a hazard or difficulty to traffic or to anyone collecting Residential Waste from it.
- (12) The SAO may notify an Owner or Occupier of a Residential Property in writing that Residential Waste collection services to the same Residential Property will be suspended in whole or in part where:
- (a) the Waste Levy (or any part of it) or any other amount due under this Bylaw has not been paid with respect to the same Residential Property for more than sixty (60) days since any such Waste Levy or amount (or any part of either) has become due;
 - (b) an Owner or Occupier has been provided three (3) notices within any six (6) consecutive months that the Solid Waste Contractor has not collected their Waste because of any violations of this Bylaw; or

- (c) any Owners or Occupiers at the same Residential Property have together been sanctioned three (3) or more times under this Bylaw.
- (13) Suspension for the non-payment of amounts due under this Bylaw may continue indefinitely until such amounts are paid, and suspension for any other reason may continue for up to one (1) year.
- (14) An Owner or Occupier that receives a notice under Section 12(12) has thirty (30) days from the date of the notice to remedy the problem described in the notice, enter into an agreement with the Town to remedy the same problem, or to dispute in writing any assertions made in the notice; failure to do any of these things will result in the suspension of services described in the notice.
- (15) In the event that an Owner or Occupier that received a notice under Section 12(12) disputes it within the time allowed for the same, the SAO will provide that Owner or Occupier with a written response to their dispute within a further thirty (30) days. If the SAO does not agree with the Owner's or Occupier's dispute, then Residential Waste collection services will be discontinued as specified in the notice seven (7) days of the date of the SAO's response.

Collection of Commercial Waste

- (16) The Town does not collect Commercial Waste, nor has it engaged a Solid Waste Contractor to do so. That notwithstanding, Council may by bylaw contract with a Person to do such collections per Section 11(1).
- (17) All Owners and/or Occupiers of Commercial Properties shall arrange for the regular collection and disposal of Commercial Waste originating at each such Commercial Property, and each such Owner or Occupier shall at each such Commercial Property provide or arrange for the provision of sufficient Commercial Receptacles to handle the volume of Commercial Waste regularly produced at each such Commercial Property.
- (18) Commercial Receptacles must be capable of being closed and/or secured such that animals cannot easily get into them.
- (19) Collection of Commercial Waste must not occur less than every two (2) weeks at any Commercial Property.
- (20) A provider of Commercial Waste collection and/or disposal services may set reasonable terms for the same in any contract any Owner or Occupier of a Commercial Property enters into with it.

- (21) Every Owner or Occupier of a Commercial Property shall dispose of their Commercial Waste in the Commercial Receptacles provided by the Owner or Occupier for that purpose.
- (22) An Inspector may direct the Owner or Occupier of a Commercial Property to arrange for the provision of additional Commercial Receptacles at such Commercial Property if in the opinion of the Inspector the amount of Commercial Receptacles at such Commercial Property is insufficient to handle the volume of Commercial Waste that it regularly generates.

General Provisions, Terms, and Conditions Applicable to Waste Collection

- (23) Every Person shall, immediately upon discovery or otherwise within twelve (12) hours of it occurring, clean-up and dispose of any Waste scattered or spilled by animals or any other means.
- (24) The Town will not be responsible for any damage to roads or infrastructure on a private site resulting from the operation of Waste collection vehicles during any Waste collection activity at that private site.
- (25) No Person shall place into a Garbage Receptacle, Commercial Receptacle, or Litter Receptacle any of the following:
 - (a) hot ashes or burning matter;
 - (b) sharp objects (e.g. broken glass, nails, knives, metal, wood splinters, etc.) that are not bagged or otherwise contained within the Garbage or Commercial Receptacle; or
 - (c) Special Waste.
- (26) The Town and its Solid Waste Contractor do not collect Waste objects too large to fit into a Garbage Receptacle or a Commercial Receptacle. Such Waste objects must be delivered (or the delivery of the same arranged by) their owners to a Solid Waste Site.
- (27) Special Waste may be put out for collection when the Town has advertised an occasion on which a specified type of Special Waste will be collected by it or a Solid Waste Contractor, subject to compliance with any conditions in the advertisement. Additionally:
 - (a) Special Waste may not be placed in a Garbage Receptacle;
 - (b) Special Waste, other than large objects that would not fit in a Garbage or Commercial Receptacle, must be bagged or otherwise contained so that it remains in place where it has been set out, does not leak, and cannot be disturbed by animals, wind, or other natural occurrences; and

- (c) Special Waste shall otherwise be set out in the same manner and subject to the same rules as are specified in this Bylaw for Garbage Receptacles on a scheduled collection day.
- (28) When not set out for collection, every Garbage Receptacle and/or Commercial Receptacle shall be stored within the boundaries of the Property that it was provided for.
- (29) When not set out for Waste collection, Garbage Receptacles and Commercial Receptacles shall be stored, closed, and secured such that animals cannot open them and access their contents.
- (30) No Owner or Occupier shall permit Waste to unduly accumulate on their Property.
- (31) If any Garbage Receptacle is deemed to need to be replaced per Section 12(5), the Owner or Occupier of the Residential Property it was provided for must transport it to and dispose of it at a Solid Waste Site themselves within thirty (30) days of notification of the same.

13. SPECIAL WASTE

Hazardous and Liquid Waste, Other Special Wastes

- (1) For greater certainty, Hazardous Waste and Liquid Waste are Special Waste.
- (2) No Hazardous Waste or Liquid Waste will be accepted at a Solid Waste Site, other than the following:
 - (a) Antifreeze/glycols;
 - (b) Freon;
 - (c) Ozone-depleting substances;
 - (d) Mercury;
 - (e) Fluorescent light bulbs;
 - (f) Solvents/household chemicals;
 - (g) Used oil;
 - (h) Waste fuel;
 - (i) Petroleum-based lubricants;
 - (j) Paint;
 - (k) Oil tanks;
 - (l) Oil and fuel drums;
 - (m) Propane tanks;
 - (n) Lead acid batteries; and

- (o) Subject to the rules and requirements of the Water Licence and O&M Plan and elsewhere in this Bylaw, any other object, material, or Waste classified as Special Waste and approved for acceptance at a Solid Waste Site by the SAO.
- (3) Vehicles are only accepted at Solid Waste Sites if they have been drained of all Hazardous and Liquid Wastes.
- (4) White Goods are accepted at Solid Waste Sites.
- (5) Scrap metal is accepted at Solid Waste Sites.
- (6) Tires are accepted at Solid Waste Sites.
- (7) Waste objects too large to fit into a Garbage Receptacle or Commercial Receptacle must be transported to and disposed of at a Solid Waste Site.
- (8) Section 13(9)(i) notwithstanding, and subject to the rules and requirements of the Water Licence and O&M Plan, the SAO may designate an area within a Solid Waste site for the acceptance of hydrocarbon-contaminated soil, snow, and water.

Unacceptable Waste

- (9) The following kinds of materials/Waste will not be accepted at a Solid Waste Site and may not be placed into a Garbage Receptacle, Commercial Receptacle, or Litter Receptacle:
 - (a) Biomedical Waste;
 - (b) Biosolids/honey bags;
 - (c) Hazardous Waste originating from Commercial Properties;
 - (d) Hazardous Waste originating from Construction;
 - (e) Animal carcasses;
 - (f) Waste originating from agriculture;
 - (g) Waste originating from industrial processes;
 - (h) Electronics;
 - (i) Hydrocarbon-contaminated soil, snow, and water;
 - (j) Asbestos; and
 - (k) Any Hazardous Waste not specifically allowed by this Bylaw or an approval of the SAO.

Construction Waste

- (10) Any Person operating a Construction Site shall:

- (a) remove from any portion of any street and/or any other public place, adjacent to such work, all earth, rock, and/or Construction Waste that has been deposited thereon;
 - (b) maintain sufficient Commercial Receptacles within the Construction Site to contain all Construction Waste produced at such site and deposit all Construction Waste into them; and
 - (c) prevent Construction Waste from blowing onto or otherwise coming on other Properties or lands.
- (11) Construction Waste shall be separated as follows (for greater certainty, and subject to any rules elsewhere in this Bylaw, other Construction Waste does not need to be separated and may be disposed of as any other Solid Waste):
- (a) Wood;
 - (b) Concrete;
 - (c) Steel;
 - (d) Iron;
 - (e) Other metals;
 - (f) Insulation;
 - (g) Gypsum board and other gypsum products;
 - (h) Clay products;
 - (i) Uncontaminated soil; and
 - (j) Granular fill.

14. LITTER & LITTER RECEPTACLES

- (1) No Person shall litter by depositing, disposing of, or leaving Waste on or in any lands or waters within the Town.
- (2) Litter Receptacles placed on Public Lands by the Town shall only be used for the disposal of litter, and none of Residential Waste, Commercial Waste, nor Special Waste may be deposited into such a Litter Receptacle.
- (3) No Person may damage or remove a Litter Receptacle placed on Public Lands by the Town unless authorized to do so by the SAO.
- (4) Any Person that organizes and/or hosts an event on Public Land shall:
 - (a) provide Litter Receptacles within the event area a minimum of one (1) 77-litre capacity Litter Receptacle for every fifty (50) people in attendance, or Litter Receptacles of a size and amount reasonably equivalent thereto;
 - (b) have Waste in such Litter Receptacles removed and/or collected either as soon as they become full or no less than once per day; and

- (c) have all the litter both within and having blown off 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.
- (5) In addition to any other penalty imposed by this Bylaw for a violation of Subsection (4), if a Person is convicted of an offence for the same, the SAO may ban such Person from organizing and/or hosting an event on Public Land for up to one (1) year after such conviction by providing written notice of the same to such Person.
- (6) The Owner or Occupier of a Commercial Property ordinarily open to the public in excess of 5,000 square feet or any other Commercial Property that an Inspector has directed in writing shall maintain Litter Receptacles on such Property that are:
 - (a) sufficient in number and volume to manage litter likely to be produced by members of the public on the Property, but in any case no less than one (1) Litter Receptacle per 1,000 square feet;
 - (b) in good condition to reliably store and retain Waste;
 - (c) weighted or anchored so they cannot be inadvertently overturned; and
 - (d) emptied into a Commercial Receptacle either when full or at least once per day.

15. RECYCLABLE MATERIALS

- (1) Notwithstanding the fact that the Town encourages the recycling of recyclable materials, a Person may, subject to any other rules in this Bylaw, dispose of such materials, including Beverage Containers, as Residential or Commercial Waste or litter.

16. SOLID WASTE SITE

Operations Subject to Water Licence and O&M Plan

- (1) All operations of the Solid Waste Site and all disposal of Waste thereat are subject to the rules and requirements in the O&M Plan and the Water Licence.
- (2) For greater certainty, in the event that any provision or application of this Bylaw is inconsistent with any provision of either of the O&M Plan or the Water Licence, the provision(s) of the O&M Plan and/or the Water Licence, as the case may be, shall control, and the relevant provision(s) or application(s) of this Bylaw shall be of no effect to the extent of any such inconsistency.

Authority of Facility Attendants

- (3) The SAO may appoint employees of the Town as Facility Attendants to perform all powers and duties of Facility Attendants under this Bylaw.

- (4) Facility Attendants may exercise the powers of an Inspector while present and working at a Solid Waste Site.
- (5) Every Person utilizing a Solid Waste Site shall obey all signs, posted regulations, and directions of the Facility Attendants.
- (6) Every Person seeking to enter a Solid Waste Site shall, upon request to do so by a Facility Attendant, declare the type or types of Waste that constitute their load for disposal.
- (7) A 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 Bylaw and such inspection can include automated radiation detection, visual and manual inspection, use of hand held test instruments, and/or the taking of samples for the purpose of laboratory or other further inspection.
- (8) A Facility Attendant may require pre-testing to be done on, or sampling to be done of, any Waste to confirm the acceptability of such Waste and/or to determine its composition.
- (9) When a load is selected for inspection, the Vehicle operator shall either comply with the directions of a Facility Attendant or shall immediately remove the load from the Solid Waste Site.
- (10) A Facility Attendant may, in addition to any other directions or action they consider prudent, 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.
- (11) A Facility Attendant may reject any Waste for any reason, including non-segregation of Waste when such segregation is required, Waste volume, Waste source, Waste contents, disposal capability of a Solid Waste Site, or prevailing weather.
- (12) Where a Facility Attendant or an Inspector rejects a load of Waste, he or she shall inform the Person proposing to dispose of such load, and that Person shall, as soon as it is practicable to do so, remove such load from the Solid Waste Site.
- (13) 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 charge the costs of doing so to such Person.

- (14) Where a load is determined by a 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

- (15) The Town may suspend acceptance of Waste loads from any Person that has owed any amount under this Bylaw for more than sixty (60) days.

Segregation of Waste

- (16) Every Person accessing a Solid Waste Site shall segregate their Waste by like type as set out in this Bylaw so as to allow for its disposal into the appropriate area designated by the SAO, or as otherwise required by the SAO or a Facility Attendant.
- (17) At a Solid Waste Site, every Person shall deposit Waste in the area(s) designated for that type of Waste by the SAO.

Supervision of Children

- (18) 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 Facility Attendant.

Public Access Areas & Salvage

- (19) Public access to a Solid Waste Site shall be limited to those areas in it designated for such access from time to time by the SAO.
- (20) The SAO may designate an area within any Solid Waste Site as a salvage area, where Persons may leave or take items or materials capable of being salvaged. Facility Attendants may decide whether any item or material proposed to be left in the salvage area is fit to be so left, must be disposed of as Waste at the Solid Waste Site, or must be removed from the Solid Waste Site. Salvage may not be left in any other area of a Solid Waste Site.

Smoking

- (21) Smoking by the general public is prohibited at the Solid Waste Site. Smoking by Facility Attendants is only permitted in areas designated for the same by the SAO.

Outside Users

- (22) The SAO may approve any agreement or arrangement with a Person whose Waste originates outside of the Town for use of the Town's Solid Waste Facilities on such terms as the SAO find reasonable or prudent.

17. FEES & WASTE LEVY

- (1) All Persons disposing of Waste at a Solid Waste Site, other than Owners/Occupiers of Residential Properties in the Corridor that are disposing of their own Residential Waste generated at such Properties at a Solid Waste Site, shall pay any and all Tipping Fees applicable to any such Waste or class or type thereof so disposed of set in the Fees Bylaw.
- (2) For greater certainty, the Solid Waste Contractor is not required to pay Tipping Fees for its disposal of Residential Waste at the Solid Waste Site. However, the Solid Waste Contractor must pay any and all applicable Tipping Fees for its disposal of any other Waste at the Solid Waste Site.
- (3) For additional greater certainty, any Person disposing of any non-Residential Waste at the Solid Waste Site, including any Person so doing under a contract with an Owner or Occupier of a Commercial Property, shall pay any and all Tipping Fees applicable to any such Waste so disposed of set in the Fees Bylaw.
- (4) All Residential Properties within the Town that receive water / sewer services from the Town pursuant to the *Water and Sewer Bylaw*, shall be subject to a monthly waste levy (the "Waste Levy") and such Waste Levy shall be paid by the Owner of the Property in accordance with the provisions of this Bylaw.
- (5) A Waste Levy shall be charged at the rates set out within the Fees Bylaw on the basis of whether the Residential Property is located within the Corridor or outside the Corridor
- (6) For clarity regarding subsection (4), no suspension or discontinuance of any such water / sewer services shall remove a requirement to pay a Waste Levy under this Bylaw.

- (7) For greater certainty, a Property subject to the Waste Levy remains so, even where:
 - (a) no Waste is set out for collection or actually collected in any time period;
 - (b) the Property is vacant or unoccupied; or
 - (c) Waste collection services for such Property are or were suspended or terminated for any reason, including non-compliance with this Bylaw.
- (8) In the event that an Owner changes or wishes to change the use of a Residential Property such that it would no longer be a Residential Property, such Property will no longer be subject to the Waste Levy once the Town has granted any and all authorizations necessary for such change of use to be done legally under any applicable Town bylaws.
- (9) Any amount owing by a Person under this Bylaw is a debt owing to the Town and may be recovered by a civil action for debt.

PART 4 – GENERAL PROVISIONS

18. BURNING OF WASTE

- (1) No Person shall burn any Waste within the Town unless that Person either 1) has a Fire Permit issued to them authorizing them to do so or do, or 2) is otherwise allowed to do so under the Fire Bylaw.

19. TERMS AND CONDITIONS OF USE/SERVICES – NO LIABILITY

- (1) Any Person using a Solid Waste Site does so at their own risk, and the Town is not liable for any claims for damages for injury or damage to any Persons or property of any kind resulting from or related to such Person's use of or presence at a Solid Waste Site.
- (2) The Town is not liable for any claims for damages for injury or damage to any Persons or property of any kind resulting from or related to the collection of Residential Waste by itself or the Solid Waste Contractor.
- (3) The Town makes no representations or warranties about any Person collecting and/or disposing of Waste within the Town and is not liable for any claims for damages for injury or damage to any Persons or property of any kind resulting from or related to any such collection or disposal of Waste by any such Person.

PART 5 – GENERAL PROHIBITIONS & ENFORCEMENT

20. 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 SAO, a Facility Attendant, or an Inspector pursuant to this Bylaw.
- (2) No Person shall dispose of Waste at a Solid Waste Site or access a Solid Waste Site except during its set hours of operation.
- (3) No Person shall use or permit to be used any Vehicle or trailer for the conveyance or storage of Waste unless such Vehicle or trailer is fitted with a cover (e.g. 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 Waste while it is being stored in or transported by the Vehicle or trailer.
- (4) In addition to any other penalty or remedy allowed under this Bylaw or other law, the Tipping Fees to be charged for all loads of Waste transported by a Vehicle or trailer operating in violation of Section 20(3) when it arrives at a Solid Waste Site shall be double the Tipping Fees otherwise applicable to such loads.
- (5) Unless authorized by this Bylaw or other law, no Person other than the Owner or Occupier or a Person with the Owner's/Occupier's express or implied consent shall pick over, interfere with, disturb, remove, or scatter any Waste howsoever placed for collection, except if they are authorized to do so by the SAO for the purposes of conducting research on the composition of Waste placed for collection.
- (6) No Person shall fail to comply with any lawful order or direction made under this Bylaw.
- (7) No Person shall access any area of a Solid Waste Site not designated as being accessible by the general public without any lawful authorization for the same given under this Bylaw.
- (8) Nothing in this Bylaw relieves any Person from complying with any federal or territorial law or regulation, other bylaw, or any other requirements of any lawful permit, order, consent, or other direction.

21. OFFENCES

- (1) Any Person that contravenes any provision of this Bylaw or any order or direction issued under it is guilty of an offence, and any offence created pursuant to this Bylaw shall be considered to be a strict liability offence.
- (2) Any Person who is convicted of an offence pursuant to Subsection (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.

22. CONTINUING OFFENCE

- (1) In the case of any conduct that constitutes an offence that continues for more than one (1) day, such conduct constitutes a separate offence in respect of each day on which it continues, and a Person guilty of such an offence is liable to a penalty in an amount not less than that established by this Bylaw for each such day.

23. JOINT AND SEVERAL LIABILITY FOR FINES, FEES, AND OTHER AMOUNTS

- (1) Whenever there are fines, fees, or other amounts payable by the Owner or Occupier of a Property pursuant to this Bylaw, and there is more than one Owner or Occupier of the Property to which they relate, each Owner or Occupier of such Property shall be jointly and severally liable for their payment.

24. MINIMUM AND SUBSEQUENT FINES

- (1) Column one of Schedule "A" sets out those minimum penalties that may be imposed for first offences under different provisions of this Bylaw.
- (2) Where a Person is convicted of a second or subsequent offence under the same provision of this Bylaw, and where those offences have occurred within any twenty-four (24) month period, the specified penalties applicable to the second and subsequent offences shall be those amounts set out in columns two and three, respectively, of Schedule "A".

25. VIOLATION TICKET

- (1) Where a Person designated as a bylaw officer under this Bylaw reasonably believes that a Person has committed an offence under this Bylaw, that bylaw officer may serve upon the Person a violation ticket in the form provided under the

Summary Conviction Procedures Act, RSNWT 1988, c S-15. Such Person may, in lieu of appearing as otherwise required, pay the Town the voluntary penalty(ies) set out in such ticket for the offence(s) specified in such ticket prior to the court date specified on the ticket. For greater certainty, this Section shall not prevent any bylaw officer from laying charges against any Person in any lawful manner other than doing so by such a ticket, nor shall anything in this Section be construed as preventing a court from imposing any other lawful remedies or sanctions against anyone that does not pay such voluntary penalty(ies).

PART 6 - REPEALS

26. The Town's *Solid Waste Management By-law*, Bylaw No. 2332/PW/23 is hereby repealed.


PART 7 – EFFECT

27. This Bylaw shall come into effect upon receiving its Third Reading.


READ A FIRST TIME this 10th day of March, 2025.


D/Mayor

READ A SECOND TIME this 10th day of March, 2025.


D/Mayor

READ A THIRD AND FINAL TIME this 24th day of March, 2025.


D/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 24th day of March, 2025.



Senior Administrative Officer

SCHEDULE "A"

PENALTIES

Offence	Section ¹	Penalty		
		1 st Offence	2 nd Offence	3 rd Offence
Not maintaining sufficient Garbage Receptacles or Commercial Receptacles	12(4) 12(17)	\$300.00	\$450.00	\$600.00
Disposing of Special Waste in a Garbage Receptacle, Commercial Receptacle, or Litter Receptacle	12(25) 13(9)	\$200.00	\$350.00	\$500.00
Permitting Waste to unduly accumulate on Property	12(30)	\$200.00	\$350.00	\$500.00
Littering	14(1)	\$200.00	\$350.00	\$500.00
Depositing Residential or Commercial Waste in a Litter Receptacle	14(2)	\$200.00	\$350.00	\$500.00
Damaging or removing a Litter Receptacle	14(3)	\$250.00	\$350.00	\$500.00
Failing to provide sufficient Litter Receptacles at an event, to collect the garbage in them, or to collect waste on or around event site	14(4)	\$500.00	\$750.00	\$1,000.00
Unauthorized access of a non-public area of a Solid Waste Site	20(7)	\$250.00	\$350.00	\$500.00
Unauthorized burning of Waste	18(1)	\$600.00	\$800.00	\$1,000.00
Providing false or misleading information	20(1)	\$200.00	\$300.00	\$400.00
Accessing or disposing of Waste at a Solid Waste Site outside posted hours of operation	20(2)	\$600.00	\$850.00	\$1,000.00
Improperly secured load	20(3)	\$250.00	\$500.00	\$800.00
Picking over, interfering with, disturbing, removing or scattering any waste from/at Residential or Commercial Properties	20(5)	\$200.00	\$350.00	\$500.00
Failure to comply with an order or direction of an Inspector	6(6)	\$300.00	\$450.00	\$600.00
Unauthorized access to a restricted area at a Solid Waste Site	20(7)	\$200.00	\$350.00	\$500.00
Any other contravention of a provision of this Bylaw	21(1)	\$200.00	\$350.00	\$500.00

¹ For greater certainty, violations of all Sections listed that do not specifically make a violation of their contents an offence are made an offence by Section 21(1).