

TOWN OF NORMAN WELLS

BY-LAW NO. 20-06 SOLID WASTE MANAGEMENT BY-LAW

BEING A BY-LAW OF THE MUNICIPAL CORPORATION OF THE TOWN OF NORMAN WELLS IN THE NORTHWEST TERRITORIES TO PROVIDE FOR THE MANAGEMENT OF THE SOLID WASTE COLLECTION AND DISPOSAL IN THE INTEREST OF THE HEALTH, SAFETY AND WELFARE OF THE NORMAN WELLS RESIDENTS AND PURSUANT TO THE PROVISIONS OF THE CITIES, TOWNS & VILLAGES ACT, S.N.W.T. 2003, c.22.

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 licences, 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*, a municipal corporation may, by by-law prohibit or regulate the disposal of litter;

AND WHEREAS the Town of Norman Wells deems it desirable and in the public interest to establish, operate, maintain and levy fees for a solid waste management system in the Town of Norman Wells;

NOW, THEREFORE, the Council of the Town of Norman Wells, in a meeting duly assembled, enacts as follows:

PART 1 - INTERPRETATION

1. The purpose of this by-law is to establish rules to follow regarding the solid waste collection and disposal.
2. Schedule "A" and "B" are attached and form part of this by-law.
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.

CONFLICTS

4. Each provision of this By-law is independent of all other provisions. If a Court of competent jurisdiction declares any 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 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. 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.

SHORT TITLE

7. This By-law shall be known as "The Solid Waste Management By-law".

DEFINITIONS

8. In this by-law, unless the context otherwise requires

"Animal carcasses" means all form of waste from dead animals including parts;

"Animal waste" means excreted materials from live animals but does not include disposable diapers;

"Appliances" means any large household appliance including, but not limited to, refrigerators, freezers, stoves, dishwashers, bathtub, air conditioners, washing machines, clothes dryers and hot water heaters;

"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 carcasses and waste, (d) microbiological waste, (e) blood and body fluid waste, and (f) medical sharps such as needles, syringes, blades, or other clinical or laboratory materials capable of causing punctures or cuts;

"Bulky waste" means all solid waste that exceeds the size or weigh restrictions for the regular collection process;

"By-law Enforcement Officer" means a Town employee with the authority to enforce any by-law adopted by Council.

“Child” means a person sixteen (16) years of age or younger;

“Commercial Waste” means all solid waste generated by a commercial premise except for special and unaccepted waste;

"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;

"Council" means the Council of the Town of Norman Wells;

“Development Officer” means a person employed by the Town of Norman Wells and appointed by Council to administer the Zoning By-law, receive and process all applications for development permits.

“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;

"Fees" means the fees levied and collected by the Town of Norman Wells, for solid waste deposited at the Solid Waste Disposal Facility;

“Finance Department” means the Department of Finance of the Town of Norman Wells.

“Generator” means the owner or person in charge, management or control of a waste or a facility that generates waste.

"Hazardous Waste" means any solid waste presenting an actual or potential danger to human health and safety and to the environment including, but not limited to asbestos, batteries, anti-freeze/glycol, used oil, vehicles, waste fuel, drums, paint, compressed gas cylinders, mercury-containing equipment, ozone-depleting substances, 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;

“Household Waste” means all solid waste generated by residential premises except for special waste;

"Householder" 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;

“Industrial waste” means all solid waste except for special and unaccepted waste generated by any enterprise involved with manufacturing, fabricating, processing including commercial or institutional operations.

“Institutional waste” means all solid waste generated by an institutional premise including general medical waste but does not include special and unaccepted waste;

“Limited size” means the size of the transfer station bins.

“Norman Wells Weigh Scale” means the weigh scale operated by the Town of Norman Wells and located on the “Quarry Road”.

“On-site” means the Solid Waste Disposal Facility including the transfer station;

“Oversized Load” means a quantity of waste that exceeds one truck load;

"Owner" means the holder of title to a piece of property;

“Person” 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;

“Public Works Manager” means a person employed by the Town of Norman Wells and designated by the Senior Administrative Officer to carry out specific duties about solid waste management including but not limited to planning and development, regulatory compliance, public communication, staffing, safety measures;

"Recyclables" means types of solid waste that can be processed and used again designated for disposal at a recycling depot or at designated areas of the Solid Waste Disposal Facility;

"Salvageable waste" means reusable solid waste that has been deposited at designated areas of the Solid Waste Disposal Facility;

"Senior Administrative Officer" means the Senior Administrative Officer of the Town of Norman Wells, appointed pursuant to the Cities, Towns and Villages Act, or his or her designate;

“Solid Waste” includes any matter or material that is discarded, or is intended to be discarded;

“Solid Waste Disposal Facility contractor” means the person (or persons) who has an existing legal right granted by the Town of Norman Wells for the spreading, compacting and covering of the designated waste at the Solid Waste Disposal Facility as well as any other operations related to the solid waste disposal as per the contract;

“Solid waste collection contractor” means the person (or persons) who has an existing legal right granted by the Town of Norman Wells for the collection from the designated bins and the transportation to the Solid Waste Disposal Facility as well as any other operations related to the solid waste collection as per the contract;

“Solid Waste Disposal Facility operator” means a person employed by the Town of Norman Wells and designated by the Public Works Manager to carry out specific duties at the Solid Waste Disposal Facility including but not limited to gate operations, scale operations, vehicle spotting and waste screening, site maintenance, drainage operations, equipment operations, regulatory compliance, administrative duties, safety measures;

“Solid Waste Disposal Facility” means the Town of Norman Wells’ facility, or facilities, designated by the Town of Norman Wells for the disposal of solid waste;

“Special Waste” means: (a) animal carcasses except from wildlife; (b) animal waste; (c) appliances; (d) asbestos; (e) bulky waste; (f) construction waste; (g) furniture; (h) hazardous waste generated by individuals; (i) non-contaminated soil; (j) salvageable waste; (k) scrap steel and metal; (l) tree branches, stumps, roots and logs; (m) vehicles and vehicle parts including tires; (n) yard waste; and includes any other solid waste that requires special handling as designated by the Public Works Manager from time to time and/or the payment of specified tipping fees as set out in Schedule “A”.

“Tag” means the receipt provided by the Town of Norman Wells on the payment of the fees.

“Temporary hazardous waste area” means a designated section of the Solid Waste Disposal Facility for the storage of the hazardous waste planned to be shipped out of the community in a near future.

“Transfer station” means the designated bins located at the front of the Solid Waste Disposal Facility.

“Town” means the Town of Norman Wells a municipal corporation in the Northwest Territories, and includes the area contained within the boundaries of the Town of Norman Wells where the context requires;

“Truck Load” means a quantity of waste that can be transported in a regular pick-up truck;

“Unaccepted Waste” means waste that is not accepted for disposal at the Solid Waste Disposal Facility: (a) biomedical waste; (b) hazardous waste generated by businesses and industries excepting asbestos and vehicles; (c) recyclables waste designated for disposal at a recycling depot; (d) contaminated soil; (e) animal carcasses from wildlife

“Vehicle operator” means any person in charge of transporting waste at the Solid Waste Disposal Facility;

"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 offroad, a water way or in the air;

“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.

PART 2 – GENERAL PROVISIONS

DUTIES AND AUTHORITIES

1. The Public Works Manager has the authority to:
 - (a) enforce this by-law;
 - (b) inspect the waste and determine if it meets the criteria;
 - (c) require testing and sampling,
 - (d) refuse the disposal,
 - (e) deny the use of the Solid Waste Disposal Facility for non-compliance,
 - (f) direct the different operators,
 - (g)

evaluate and certify a request for disposal that is not dealt with in this by-law, (h) specify a time schedule and pre-disposal conditions, (i) designate public and restricted areas, (j) make any rule or regulation.

2. The Solid Waste Disposal Facility operator is deemed to be the designate of the Public Works Manager for the purposes of the access, supervision and control of the Solid Waste Disposal Facility, including conducting inspections, providing directions and keeping records of the amount and type of waste being disposed of.

WASTE COLLECTION

3. The householder shall dispose of the household waste in the designated bins.
4. The generator of commercial, industrial and institutional waste shall dispose of this type of waste in the designated bins.
5. No person shall dispose of special and unaccepted waste in the designated bins.
6. The Solid waste collection operator shall collect the waste on a determined schedule.
7. The Solid waste collection operator shall keep the household waste apart from the commercial, industrial and institutional waste.
8. The Solid waste collection operator shall advise the Public Works Manager if a special or unaccepted waste is identified in a bin.

WASTE TRANSPORTATION

9. Any vehicle operator shall break down any structure prior to the disposal at the Solid Waste Disposal Facility.
10. Any vehicle operator shall prevent the waste from dropping, spilling or blowing off during the transportation.
11. The generator of special waste is responsible to transport the waste at the Solid Waste Disposal Facility.
12. The generator of unaccepted waste is responsible to communicate with the Environment and Natural Resources Department of the Government of the Northwest Territories and to dispose of the waste at a registered disposal facility.
13. Any vehicle operator shall segregate special waste so that one truck load contains only one type of special waste.
14. The Solid waste collection operator shall stop at the weigh scale on the way to the Solid Waste Disposal Facility and once the disposal is completed.

FEES AND CHARGES

15. Any vehicle operator shall pay the fees and charges applicable described in Schedule "A".

16. Any vehicle operator shall pay the Regular fee at the Town Office prior to the disposal.
17. The Solid waste collection operator is exempted of the fees as per the contract.
18. The purpose of the fees is to cover the landfill maintenance & operations costs. Council may adopt by resolution the placement of a certain percentage of the collected fees into a reserve account for reclamation purposes.
19. The fee to dispose of construction waste from outside the community shall be paid prior to the disposal.
20. When a disposal requires additional fees and charges as per this by-law, the Solid Waste Disposal Facility operator or any other authority will issue a ticket, provide a copy to the Finance Department which will issue the invoice to be sent to the vehicle operator.

SPECIAL WASTE

21. No person shall dispose of animal carcasses from wildlife at the Solid Waste Disposal Facility except with the approval of the Solid Waste Disposal Facility operator and the Environment and Natural Resources Department of the Government of the Northwest Territories.
22. Any person, including the Environment and Natural Resources Department of the Government of the Northwest Territories is responsible to contact the Town prior disposing of animal waste and animal carcasses.
23. Any person carrying out the construction, alteration or demolition of a property or premise shall:
 - contact the Development Officer to inquire if a permit is necessary;
 - separate by like type, in order to be deposited in specific locations within the Solid Waste Disposal Facility;
 - provide the proof of hazardous waste clearance or follow the process for asbestos disposal;
 - contact the Solid Waste Disposal Facility operator to set a time to weigh the waste at the scale;
 - pay the required fees (may include push and compacting).
24. Asbestos disposal requires a specific process. Any person carrying out material containing asbestos shall:
 - contact the Public Works Manager and the Environment and Natural Resources Department of the Government of the Northwest Territories
 - pay the required fees (may include push and compacting).

ON-SITE REGULATIONS

25. Any person utilizing the Solid Waste Disposal Facility shall obey all signs, posted regulations and directions of the Public Works Manager and the Solid Waste Disposal Facility operator.

26. The transfer station shall be accessible at all time.
27. No person shall dispose of unaccepted waste or special waste in the transfer station except household waste, yard waste, limited size steel & scrap metal and any other type of waste for which a section of the transfer station has been designated.
28. No person other than the Public Works Manager, the Solid Waste Disposal Facility operator and any person designated by the Public Works Manager, shall dispose of solid waste at the Solid Waste Disposal Facility or access the Solid Waste Disposal Facility except the transfer station during the posted normal hours of operation and anyone that fails to do so is guilty of an offence.
29. The hours of operation shall be adopted by resolution of Council.
30. No person shall dispose of unaccepted waste at the Solid Waste Disposal Facility.
31. Any hazardous waste generated by individuals shall be disposed in the existing temporary hazardous waste area.
32. Any vehicle operator is responsible to show their valid tag to the Solid Waste Disposal operator and failing to do so may result in refusal of the disposal.
33. The Solid Waste Disposal Facility operator is responsible to collect the information on the tag from any vehicle operator for the payment of the regular fee and screen the load for the purpose of ensuring compliance with the provisions of this by-law as well as provide directions before providing access to the Solid Waste Disposal Facility.
34. Salvageable waste shall be separated in order to be deposited in specific designated locations within the Solid Waste Disposal Facility.
35. Any person may retrieve salvageable materials at their own risk and expense, during the hours of operation at the Solid Waste Disposal Facility;
36. The Town does not provide an express or implied warranty as to the fitness of salvages materials for a specific or any purpose.
37. The Solid Waste Disposal Facility operator 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.
38. 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 Public Works Manager or the Solid Waste Disposal Facility operator.
39. No person shall smoke at the Solid Waste Disposal Facility and anyone that fails to do so is both guilty of an offence and may be directed to leave the Solid Waste Disposal Facility.
40. Every person that accesses the Solid Waste Disposal Facility and is accompanied by a child or a pet shall provide direct supervision for that child or pet, and anyone that fails to do so is both guilty of an offence and may be directed to leave the Solid Waste Disposal Facility.

41. Any person using the Solid Waste Disposal Facility 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.

ENFORCEMENT

42. No person shall fail to comply with this by-law or with the order or direction of the Public Works Manager, the Solid Waste Disposal Facility operator or the By-law Enforcement Officer.

43. The responsibility for proper waste management rests with the vehicle operator and should be considered part of the cost of doing business.

44. 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,

will receive a violation ticket and will be charged fines as per Schedule "A" as the person is guilty of an offence, and any offence created pursuant to this By-law shall be considered to be a strict liability offence.

45. Charges may include the cost incurred by the Town to properly dispose of an unauthorized disposal.

46. 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.

47. A monthly penalty of 1.8% applies to every month a charge remains outstanding after the due date on the invoice.

48. The Town may request from any person with outstanding fees or charges to stop at the weigh scale before disposing of any more special waste.

49. Whenever there are fines, fees or charges payable pursuant to this By-law are outstanding at the end of the Town's financial year, the debt may be recovered 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.

50. 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.

51. Whenever a person with outstanding fines, fees or charges doesn't own a property in Norman Wells, the person is liable on summary conviction as per the Summary Conviction Procedures Act:

- (a) in the case of a corporation, to a fine not exceeding \$1,000; or
- (b) in the case of an individual, to a fine not exceeding \$700, or to imprisonment for a term of not more than thirty (30) days in default of payment.

APPEAL

52. A person claiming to be affected by a decision of the Solid Waste Disposal Facility operator or the Public Works Manager made under this by-law may appeal to Council by serving written notice of appeal within:

- (a) 14 days after the disposal is approved or refused or the violation ticket is issued.
- (b) A further time, not exceeding an additional 14 days, that the Council considers appropriate for "just cause".

53. Council shall:

- (a) hold a public hearing within thirty (30) days from the receipt of the notice of appeal;
- (b) By registered mail and/or personal delivery ensure that at least seven (7) days notice of the hearing is given to the appellants and all other persons who, in the opinion of Council, may be affected; and
- (c) Consider each appeal, having due regard for the circumstances and merits of its case and according to the purpose, scope and intent of the Solid Waste Management by-law.

54. Council shall hear the Solid Waste Disposal operator and/or the Public Works Manager and any person who may contribute to a full and proper hearing.

55. Council may confirm, revoke, or vary the decision under appeal and may impose any conditions or limitations as it sees fit.

56. Council shall render its decision in writing to the appellant within fourteen (14) days from the date the appeal hearing is held.

57. A decision of Council is final and binding on all parties.

PART 3 - ADMINISTRATION

EFFECTIVE DATE

This By-Law shall come into effect upon the third and final reading thereof and shall remain in effect until amended or repealed.

Read a first time this _____.

Mayor

Senior Administrative Officer

Read a second time this _____.

Mayor

Senior Administrative Officer

Read a third time and finally passed this _____.

Mayor

Senior Administrative Officer

It is hereby certified that this By-Law No.20-06 has been made in accordance with the requirement of the Cities, Towns and Villages Act and the By-laws of the Town of Norman Wells.

Senior Administrative Officer

DRAFT

SCHEDULE "A"

Fees:

- Regular fee: \$10 per truck load for any special waste except animal carcasses and animal waste
- Oversized load: \$100 per tonne
- Construction waste within the community: \$100 per tonne
- Construction waste from outside community: \$300 per tonne
- Hazardous waste: between \$200 and \$1000, to be determined upon the severity and volume of waste.

Fines:

- Unauthorized disposal. \$300
- Accessing or disposing of waste outside posted hours of operation. \$300
- Failure to comply with the order or direction of the landfill operator. \$300
- Providing false or misleading information. \$200
- Doing any other act or thing that the person is prohibited from doing or failing to do any act or thing that the person is required to do. \$100

A monthly penalty 1.8% applies to any late payment.