

**TOWN OF FORT SMITH
BY-LAW NO. #659**

A BY-LAW of the Municipal Corporation of the Town of Fort Smith in the Northwest Territories, to provide for the collection, removal and disposal of garbage, trash and refuse.

PURSUANT TO SECTIONS 72, 74, 85, 86, 87, 102, 120, 125, 143, 169, 173, 174, 176, 178, 179 181, 182, 183 and 186 of the Cities, Towns & Villages Act, R.S.N.W.T. 1988, c. C-8

WHEREAS the Town of Fort Smith deems it desirable to provide for the collection, removal and disposal of garbage, trash and refuse;

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

SHORT TITLE

This by-law may be cited as the “Garbage By-Law”

PART 1 – INTENTION

1. This By-Law applies to the safety, cleanliness, healthiness and tidiness of all areas within the Town.

PART 2 – DEFINITIONS

2. In this by-law:

“Biomedical Waste”

means waste that is generated by human, or animal health care facilities, medical research and medical establishments, health care teaching establishments, clinical testing or research laboratories, and facilities involved in the production of testing vaccines;

“Compactor”

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

“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 waste materials such as, but not limited to, wood product, concrete, steel, iron, miscellaneous metals, gypsum product, clay product, plastics and insulation which is generated at a construction site;

“Container”

means a large garbage container or dumpster of the type approved by the Public Works Manager for use at multi-family dwellings, commercial, industrial, institutional establishments and constructional sites;

“Council”

means the Council of the Town of Fort Smith;

“Dumpster”

see “Container”

“Garbage”

means abandoned, discarded or rejected materials of every description or kind capable of disposal in a garbage can or container, and includes cold ashes, bottles, metal cans or tins, crockery, glass, grass, metal cuttings, paper, cloth, food, food waste, wrappings, sweepings and the like, but does not include refuse or trash;

“Garbage Can”

means an impervious container of a type approved by the Public Works Manager and having the following features:

- (a) a close-fitting cover capable of keeping out insects or animals;
- (b) handles for lifting when full;
- (c) a capacity not exceeding 30 gallons when full.
- (d) having a gross weight of not more than 35 kg when full.

“Garbage Contractor”

means a person authorized under contract with the Town to collect, remove or dispose of garbage or refuse;

“Hazardous Waste”

means any material 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;

“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 not the occupant of an apartment house;

“Inspector”

means an Officer, or Inspector, appointed by the Town, and every environmental health officer, or those individuals having authority under applicable NWT legislated responsibility, as such within the Town;

“Litter”

means waste paper, trash, garbage, filth, dirt or rubbish lying about;

“Manager”

means the occupant of business, commercial, professional, institutional or industrial premises, and where such premises are unoccupied means the owner thereof;

“Occupant”

see Householder or Manager;

“Officer”

means a person who is appointed in accordance with the Cities, Towns & Villages Act as a By-Law Officer to enforce By-Laws of the Town of Fort Smith and any Peace Officer who is entitled by law to enforce by-laws of the Town of Fort Smith;

“Owner”

means the holder of title to a piece of property or the property manager;

“Person”

includes an individual, a corporation, partnership, society, cooperative or other incorporated legal entity;

“Public Lands”

means all lands accessible by the general public including easements, rights-of-way and leaseholds granted for utility servicing purposes but does not include the solid waste facility;

“Recyclable”

means items which can be reprocessed so as to use again;

“Refuse”

for the purposes of this by-law means, human or animal excrement and includes urine, night soil, toilet tissues, blackwater, greywater and the like, but does not include garbage or trash;

“Refuse Container”

means an impervious container approved by the Public Works Manager for such use;

“Salvage”

means items which are reusable such as furniture, construction materials and clothing, but does not include any garbage, trash or refuse;

“Secured Load”

means a load enclosed in the vehicle or covered with a tarpaulin or similar cover, so as to prevent any part of the load from falling off or out of the vehicle;

“Senior Administrative Officer”

means the Senior Administrative Officer of the Town, appointed pursuant to the Cities, Towns and Villages Act;

“Similar Cover”

means a cover that completely encloses the load, such as a mesh blanket or plywood board and is secured to the vehicle;

“Solid Waste Attendant”

means the person employed by the contractor to regulate procedures or policies at the Solid Waste Site;

“Tipping Fees”

means the fees levied and collected by the Town, for the depositing of garbage or trash in the land fill area located at the Solid Waste Site;

“Trash”

for the purposes of this by-law means abandoned vehicles or parts thereof, also discarded or rejected goods and materials of every description, but does not include refuse and garbage;

“Unsightly or Unsanitary Condition”

means any nuisance or condition which, in the opinion of an Officer, may be injurious to health or which may result in the creation of a garbage control problem or nuisance or any condition which may give rise to a bona fide complaint from another resident of the Town that, upon comparison to adjacent land, the land is unsightly;

“Vehicles”

for the purpose of this by-law shall include all licensed or unlicensed motorized vehicles, bicycles and any type of watercraft.

Unless otherwise specified, the terms used in this By-law 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, R.S.N.W.T. 1988, c.C-8.

PART 3 – GARBAGE

3. Every householder, manager and owner shall provide, maintain and keep in good order, repair and condition, as required by this by-law, sufficient garbage cans or containers for all garbage generated upon the premises owned or occupied by them.
4. Every householder, manager and owner providing, maintaining or keeping a garbage can or container required under PART 3, shall provide a good and sufficient cover for such can or container and shall keep such cover secured over the opening of such receptacle except when in the act of filling same.
5. Every person shall dispose of garbage using a garbage can or similar container.
6. No person shall fill or permit to be filled, any garbage can or container to the point where the lid or cover cannot be properly secured.
7. Every garbage can or container shall be kept within the boundaries of the parcel of lands on which the premises for which it is provided are situated.
8. On garbage collection days and prior to collection, every garbage can or container which requires collection on a regular basis, shall be made readily accessible from and immediately adjacent to the lane adjoining the lands and in the absence of such a lane, shall be made readily accessible from the property line of the street adjoining such lands.
9. On garbage collection days every garbage can or container shall be kept at ground level or at a height of not more than one meter above ground.
10. (a) Every person shall be responsible for taking their own garbage to the Solid Waste Site when in an area where public containers are not provided for this purpose or where garbage pick up is not performed.

(b) Any person who removes a public garbage or litter container is guilty of an offence.
- 11.(a) Every person shall dispose of garbage upon the premises owned or occupied by them by placing it, or causing the same to be placed, in the garbage can or container for that purpose and not elsewhere.

- (b) Any person may, at their own expense, choose to deliver and dispose of their own garbage at the Solid Waste Site during normal hours of operation.
- 12.(a) An Inspector may inspect garbage cans and containers and initiate such remedial action as deemed necessary.
- (b) When any garbage can or container has been condemned by the Inspector and written notice to that effect has been given to the householder, manager or property owner, the condemned garbage can or container shall be removed and disposed of along with the garbage from those premises.
 - (c) A householder, manager or property owner shall within seven-(7) days of the receipt of the written notice provide forthwith a suitable garbage can or container to replace the one that has been condemned and removed.
- 13.(a) The manager or property owner of business premises shall ensure that containers and garbage cans are secured so as to prevent unauthorized personnel from gaining access or entry.
- (b) Business premises utilizing dumpsters shall ensure dumpster lids are closed except when placing garbage in same.
 - (c) Business premises shall not deposit any liquids, including cooking oil, fat or grease in a dumpster, compactor or garbage container for collection by the garbage contractor.
 - (d) The manager of a business premise that has any waste liquids prohibited in 13c shall take these liquids to the Solid Waste Site during normal hours of operation and deposit it in an area designated by the Manager of Public Works.
 - (e) All office paper, wrapping paper, shipping or packaging material must be bagged before depositing into a dumpster or garbage container.

PART 4 – TRASH

14. Every person having trash shall dispose of it at the Solid Waste Site or at such locations, and within such time, as may be designated by an Inspector.
15. An Inspector finding any goods or materials, which he reasonably believes to be trash, exposed to public view, may give written notice to the owner or occupant of that lands on which the said trash is located, and that the described material constitutes trash. A copy of such notice declaring the goods or materials to be trash shall, in the absence of evidence to the contrary, constitute proof that the goods or materials described therein are in fact trash within the meaning of this by-law.
16. An Inspector, when giving notice to a person in accordance with Section 15, may also serve the person with an order directing that the trash be removed within seven (7) days of receipt of the written notice, failing which the Town will remove the trash and the expenses incurred by the Town are a debt owed to the Town and may be recovered by charging it against the real property in respect of which the expenses were incurred, in the same manner as arrears of property taxes under the Property Assessment and Taxation Act, R.S.N.W.T., 1988, c.P-10.

PART 5 - GENERAL

- 17.(a) No person shall directly or otherwise dispose of or permit any person to dispose of any hazardous waste in or near any garbage can, container or compactor.
- (b) The Town's EMO Coordinator shall be contacted for direction on disposal of any such materials listed in subsection 17(a)
- 18.No person shall, directly or otherwise, dispose of or permit any person to dispose of any hot ashes, burning matter, or unwrapped wet garbage in any garbage can, container or compactor.
- 19.No person other than a lawful user thereof, a garbage contractor, or an Inspector, shall open any garbage can or container or remove anything therefrom, or in any way disturb the contents thereof, nor shall any other person handle, interfere with or in a any manner disturb any garbage of any kind put out for collection or removal.
20. No person shall convey garbage, trash, refuse or construction waste in the Town unless the load is enclosed in the vehicle or covered with a tarpaulin or similar cover, so as to prevent any part of the load from falling off or out of the vehicle.
- 21.(a) No person shall deposit, dispose of or leave litter on a highway, lane, alley, sidewalk, public or private area, waterway or ice surface within the Town.
- (b) No person shall deposit, dispose of or leave animal carcasses or remains, on any public or private area, waterway or ice surface within the Town.
- (c) Any person shall dispose of animal carcasses in the designated area, at the Solid Waste Site, during normal hours of operation.
- 22.(a) Any person who directly or indirectly sponsors public events on public lands or waters shall:
- (i) provide garbage containers within the event confines at the ratio of one – 135 litre(30 gallon) capacity container for every 30 people in attendance;
 - (ii) arrange to have the contents of the containers collected as often as required but at least once per day;
 - (iii) arrange to have all the garbage, trash or litter within the area, including but not limited to the immediate areas, collected within 4 hours of the event being over, and
 - (iv) contain and collect garbage and debris blowing off the site.
- (b) Failure to comply with section 22(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.

PART 6 – CONSTRUCTION

- 23.(a) Any person carrying out construction, alteration or demolition of a building or buildings shall:
- (i) remove from any portion of the street and from any other public place, adjacent to such work, all earth, rock, contaminated soil or construction waste which have been deposited thereon;
 - (ii) maintain garbage cans or other approved containers on the construction site;
 - (iii) clean the site of all construction waste within 48 hours from the time it is created, or such other time as directed by the Public Works Manager, and
 - (iv) prevent construction waste from blowing onto other property.
- (b) Construction waste materials such as wood, metal or gyproc board and or plaster products shall be separated, in order to be deposited in specific locations within the Solid Waste Site.
- (c) Construction waste material, such as asbestos or other hazardous materials shall not be disposed of at the Solid Waste Site without prior written approval from the Public Works Manager.

PART 7 – CHARGING

24. Where a householder or manager of any building or premises located within the Town who has been ordered by an Inspector to remedy any condition which is contrary to any part of this By-law, and fails to comply with the order within the time specified therein, shall be liable for the costs associated with the correction thereof.
25. All expenses incurred by the Town in remedying the condition shall be in addition to and not a substitute for any fines or penalties to which a person may be subject under this By-law.
26. On default of payment of these expenses, the Town may collect them from the owner by charging the debt owed, against the real property in respect of which the expenses were incurred, in the same manner as arrears of property taxes under the Property Assessment and Taxation Act.

PART 8 – COLLECTION

- 27.(a) Persons or contractors responsible for garbage collection shall collect and remove garbage from garbage cans or containers on the collection days chosen by them and agreed to by the Public Works Manager, but in no case shall it be less than once per week.
- (b) Persons or contractors responsible for garbage collection shall notify the Town and Public when normal garbage collection days are changed due to a holiday or other cause.
- (c) Persons or contractors responsible for refuse collection shall collect and remove refuse as required by an Inspector or the Public Works Manager.

- (d) A person who is responsible for unoccupied property within the Town shall be given written notice and shall have seven (7) days from the receipt of that notice to perform their own clean up prior to the Town, or a contractor for the Town, entering upon such property for the purpose of collection and removal of garbage, trash or refuse which has been abandoned or left lying about.
- (e) Notwithstanding any other provision of this by-law, the Town will not be responsible for the pick up of any garbage from commercial and/or institutional properties where a contract or agreement exists for pick up and/or disposal of garbage with an individual or business other than those individuals or businesses contracted to the Town for this specific purpose.

PART 9 – SOLID WASTE SITE

- 28. The Town reserves the right to control the type and nature of garbage or trash which is deposited in the Solid Waste Site.
- 29. Public access at the Solid Waste Site shall be limited by the operator and from time to time by the Senior Administrative Officer or his designate.
- 30. (a) Every person may deposit recyclable materials at the Solid Waste Site during normal hours of operation.
 - (b) Only authorized personnel shall remove any items from the Solid Waste Site.
- 31. (a) Salvageable materials shall be separated in order to be deposited in specific locations within the Solid Waste Site.
 - (b) Any person may retrieve salvageable materials, at their own risk and expense, from the designated salvage area, at the Solid Waste Site, during normal hours of operation.
- 32. No person shall deliver a vehicles, machinery or parts thereof, bulk scrap construction material, garbage, or trash to the Solid Waste Site or into the municipal waste collection system without prior approval of the Public Works Manager or designate.
- 33. No person shall directly or otherwise dispose of or permit any person to dispose of biomedical waste into the Solid Waste Site or into the municipal waste collection system without prior approval from the Town and other agencies, where required.
- 34. No person shall burn garbage or trash at the Solid Waste Site unless specific approval is obtained from the Public Works Manager, or designate, authorizing usage of an incinerator.
- 35. Tipping fees shall be charged in accordance with Schedule A, attached hereto and forming part of this By-law.
- 36. No person shall dispose of garbage or trash at the Solid Waste Site, other than during normal hours of operation.

PART 10 – APPEALS

37. Any person served with an order made pursuant to PART 4 of this By-law, may appeal the decision to Council within seven (7) days of the date of such order and the decision of Council on such an appeal shall be final.

38. An appeal made under Section 38 shall:

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

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

40. Where the Council, Senior Administrative Officer, Public Works Manager or such other person as may be authorized to take the action referred to herein, is of the opinion that there is imminent danger to public health or safety, they may:

- (a) shorten the period allowed in the notice, and/or**
- (b) initiate action prior to the appeal being heard by Council.**

41. Subject to the provisions of Section 41, 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) an appeal has been dismissed by Council.**

PART 11 – OFFENCES

42. Any person who fails to comply with a verbal or written direction of an Inspector pursuant to this By-law is guilty of an offence.

43. Any person who fails to comply with direction that is given to enforce provisions of this By-law, is guilty of an offence.

44. Every person violating any provision of this By-law for which no specific punishment is provided, is guilty of an offence and is liable upon Summary conviction to a fine, not exceeding:

- (a) two thousand dollars (\$2,000.00) for an individual, or**
- (b) ten thousand dollars (\$10,000.00) for a corporation.**

45. Pursuant to PART 11 of this By-law, an Officer may issue a Summary Offence Ticket Information in the form prescribed by the Summary Conviction Procedures Act and Regulations, to any person who violates any provision of this By-law and such person may, in lieu of prosecution, pay the Town a voluntary penalty for the offence as listed in Schedule B prior to the court date specified on the ticket.

46. Schedule B shall be attached to and form part of this By-law.

PART 12 – REPEALS

47. By-law(s) 468, 13-74, 2-78, 32-78 and all amendments thereto are hereby repealed.

PART 13 – EFFECT

48. This By-law shall come into effect upon receiving Third Reading and otherwise meets the requirements of Section 58 of the Cities, Towns and Villages Act.

Read a First time this _____ day of _____, 1999

Read a Second time this _____ day of _____, 1999

Read a Third time and finally passed this _____ day of _____, 2000

_____.

S. A. O.

_____.

Mayor

TOWN OF FORT SMITH

**TO BY-LAW NO. 659
SCHEDULE "A"**

TIPPING FEES

The following Tipping Fees shall be charged for the disposal at the Solid Waste Site.

<u>Vehicle.</u>	<u>Rate For Secured Load</u>	<u>Rate For Unsecured Load</u>
End Dump	75.00	150.00
Compactor	50.00	
Tandem Dump	50.00	100.00
Single Axle	20.00	40.00
½ Ton	5.00	10.00
Trailer Unit (under 10 feet in length)	20.00	40.00
Trailer Unit (over 10 feet in length)	40.00	80.00
Disposal of Vehicle	50.00	

TOWN OF FORT SMITH

**TO BY-LAW NO. 659
SCHEDULE "B"**

Voluntary Penalties

<u>Offence</u>	<u>Section</u>		<u>Penalty</u>
Failure to provide Proper garbage can/container	3	Private Commercial	\$ 50.00 100.00
Failure to keep Garbage can covered	4		50.00
Failure to put garbage In a garbage can	5		50.00
Filling any garbage can or container To the point where the lid or cover Cannot be properly secured	6		50.00
Causing damage to or removal of a Public garbage or litter container	10b		200.00
Unsecured Container	13a		100.00
Open dumpster lid	13b		50.00
Depositing liquids in a Dumpster, compactor or Garbage container	13c		200.00
Unsecure load	20		100.00
Littering	21		200.00
Failure to remove construction Waste	23		100.00
Burning at the Solid Waste Site	34		2,000.00

