

INCORPORATED HAMLET OF TUKTOYAKTUK  
BY-LAW #396-20

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**A by-law of the Municipal Corporation of the Hamlet of Tuktoyaktuk in the Northwest Territories to establish and levy charges for services provided by the Municipal Corporation, pursuant to the provisions of the *Hamlets Act, S.N.W.T., 2003, c. 88, (3)***  
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**WHEREAS the Hamlet of Tuktoyaktuk desires to establish a waste recycling bylaw.**

**NOW, THEREFORE, THE COUNCIL OF THE HAMLET OF TUKTOYAKTUK, at a duly assembled meeting enacts as follows:**

This BYLAW may be cited as the **TUKTOYAKTUK SOLID WASTE AND RECYCLING BYLAW.**

**1. DEFINITIONS**

In this BYLAW, unless the context otherwise requires,

- i. “blue box” means a container provided by the Hamlet for the deposit of recyclable materials;
- ii. “bulky item” means a household item which is larger than 1.2 meters in any one dimension or weighs in excess of 20 kilograms, including furniture, large household appliances, mattresses and box springs
- iii. “Hamlet” means the Hamlet of Tuktoyaktuk;
- iv. “commercial property” means a property in the Hamlet designated as being in a C District under the Zoning Bylaw;
- v. “construction and demolition waste” means all rejected, abandoned or discarded material from the construction of or the partial or total demolition of a building or structure and includes earth, rocks, trees, stumps and debris from the excavation
- vi. “collection day” means the day scheduled for collection of solid waste, yard waste, food scraps and recyclable material from a property in accordance with the schedule produced annually by the Hamlet or as directed by Contractor/Hamlet from time to time;
- vii. “collection service” means a service for the collection of garbage, yard waste, food scraps, recyclable materials or other solid waste from a property;
- viii. “contamination” means the presence of hazardous waste or prohibited material, or the mixing of any two or more of the following items or materials:
  - a. recyclable materials
  - b. garbage
  - c. yard waste and food scraps;
- ix. “disposal area” means an area, within or outside the boundaries of the Hamlet, designated by the Hamlet as a place where solid waste and obnoxious matter may be deposited or disposed of;
- x. “due date” means the date by which payment must be received by the Hamlet;

- xi. “dwelling” means a single family dwelling, each dwelling unit in a two family dwelling, and a row housing dwelling, as those terms are defined in the Zoning Bylaw;
- xii. “Eco-Centre” means a facility constructed and operated by the Hamlet to enable temporary drop-off and storage of those recyclable materials, yard waste, food scraps and bulky items designated by Contractor/Hamlet for acceptance at the facility;
- xiii. “food scraps” means meat, poultry, fish, shellfish, bones, bread, dough, pasta, grains, eggs, dairy products, vegetables, fruit, coffee grounds filters, tea, food-soiled paper, and small amounts of grease, but does not include liquids, large volumes of grease, diapers, animal waste, and animal carcasses;
- xiv. “garbage” means all waste other than food scraps, yard waste, and recyclable materials but shall not include construction and demolition waste, landscape waste, hazardous waste or prohibited material;
- xv. “garbage receptacle” means a container provided to a dwelling or premises by the Hamlet or a private contractor to put garbage
- xvi. ‘green bin receptacle’ means a container provided to a dwelling or premises by the Hamlet or a private contractor for the deposit of yard waste and food scraps;
- xvii. “grey box” means a container provided by the Hamlet for the deposit of glass containers and jars;
- xviii. “hazardous waste” means waste, natural or man-made, which is radioactive, toxic, pathogenic, corrosive or explosive, and any substance now or hereafter included in the definition of hazardous waste in the *Environmental Protection Act* R.S.N.W.T. 1988, c.117(Supp.), s.14; S.N.W.T. 2010, c.16, Sch. A, s.14(2), (3).,
- xix. or any other substance which constitutes or creates a health or safety risk
- xx. “commercial industrial property” means a property in the Hamlet designated under the Zoning Bylaw;
- xxi. “landscape waste” means earth, rocks, trees, stumps and debris from landscaping works, but does not include earth, rocks, trees, stumps and debris from an excavation;
- xxii. “municipal collection service” means the collection service operated by the Hamlet;
- xxiii. “obnoxious matter” means any offensive or unwholesome matter that may be germ or vermin infested, have an offensive odor, or be injurious to the health of a person handling it, and without limiting the generality of the foregoing includes animal or human wastes, acids, combustible material and similar matter;

- xxiv. “occupant” means a person who lawfully is in physical possession of or exercises dominion and control over a property, and includes the registered owner of the property and the agent of the owner or occupant;
- xxv. “overflow” means a situation where the material placed in a receptacle results in the lid being open to an angle of more than 45 degrees;
- xxvi. “owner” means an owner of a property within the Hamlet boundaries
- xxvii. “premises” means a multi-family, industrial, commercial, or institutional property;
- xxviii. "private contractor" means any person, firm or corporation that collects solid waste from premises within the Hamlet and includes all persons who dispose of waste from their own premises, but does not include employees of the Hamlet or persons, firms or corporation under contract with the Hamlet for the collection of solid waste;
- xxix. “prohibited material” means any material defined as “Banned Materials” in the Municipal Fees Bylaw and Solid Waste Disposal Regulation Bylaw and any other items designated as “prohibited materials” by the Hamlet;
- xxx. "receptacle" includes any container used for the collection of garbage, yard waste, food scraps or recyclable materials;
- xxxi. “recyclable materials” means materials defined as “Recyclable Materials”, other than food scraps and yard waste, in the Municipal Fees Bylaw and Solid Waste Disposal Regulation Bylaw and any other items designated as “recyclable materials” by the Hamlet;
- xxxii. “recycling receptacle” means a container provided to a dwelling or premises by the Hamlet or a private contractor for the deposit of recyclable materials;
- xxxiii. “yellow bag” means a bag provided by the Hamlet for the deposit of mixed paper as designated by the Hamlet of Tuktoyaktuk
- xxxiv. “remover” means any person authorized by Hamlet to remove solid waste; (34A)  
“row housing property” means a property on which there is a row housing dwelling or dwellings;  
“single family property” means a property on which there is a single family dwelling;
- xxxv. “solid waste” means waste that originates from residential, commercial, institutional, industrial, landscaping, demolition, land clearing or construction sources within the Hamlet
- xxxvi. “waste” means discarded or abandoned materials, substances or objects;
- xxxvii. “yard waste” means matter resulting from gardening or landscaping that is capable of being composted and includes grass, shrubs, tree branches, grass sod, flowers, weeds, leaves, vegetable stalks, and brush;
- xxxviii. “Zoning Bylaw” means Tuktoyaktuk Zoning Bylaw 371-18

**2. PURPOSE OF BYLAW**

- i. which is designated under the Zoning Bylaw shall be deemed to be designated as being in the R (Residential), C (Commercial), M or B (Industrial and Business Centre) or P (Public and Institutional) District upon which the zoning for that property is based; and
- ii. which is legally non-conforming as to use shall be deemed to be in the Zoning District that permits that use.

**3. GENERAL**

- (i) The Hamlet is authorized to administer and enforce this Bylaw including the supervision, control and direction of the collection, removal and disposal of garbage, yard waste, food scraps and recyclable materials from any property in the Hamlet.
  - (ii) The Hamlet shall have the right to enter any property at all reasonable times for the purposes of administering this Bylaw and ascertaining whether the provisions of this Bylaw are being complied with.
  - (iii) Every owner or occupant of a property in the Hamlet which generates solid waste shall comply with the provisions of this Bylaw.
  - (iv) No owner or occupier of any property in the Hamlet shall cause or permit any waste to collect or accumulate on that property.
  - (v) Every owner or occupant of a property in the Hamlet for which a municipal collection service or private contractor collection service is provided shall use one of those collection services.
  - (vi) Every owner or occupant of a property in the Hamlet for which a municipal collection service is not provided shall make adequate provision for collection and disposal of the solid waste that originates on that property in compliance with this Bylaw
  - (vii) No person shall remove, take or convert to their own use any garbage, yard waste or recyclable materials from a garbage receptacle, green bin receptacle or a recycling receptacle except the owner or occupant of the property from which it is generated, the remover or a person providing the collection service at the request of the owner or the occupant.
  - (viii) Every owner or occupant of a property in the Hamlet for which a municipal collection service is provided must maintain all receptacles supplied by the Hamlet in good working order, and shall not tamper, adjust, modify or alter the receptacle.
4. The following provisions apply to residential properties that receive curbside collection service:
- a) Any garbage receptacle, green bin receptacle or recycling receptacle supplied by the Hamlet to the owner or occupant shall belong to the Hamlet and shall remain on the owner or occupant's property.
  - b) Any residential property shall have one garbage receptacle only. A two family property and a row housing property that receives curbside collection service shall have one garbage receptacle for each dwelling unit.
  - c) Notwithstanding subsection (2), the Hamlet may approve an additional garbage receptacle for a single family property, two family property or row housing property that receives

curbside collection where an owner or occupant has a medical condition that results in a quantity of non-hazardous solid waste which exceeds the capacity Hamlet of the garbage receptacle supplied by the Hamlet.

- d) Every owner or occupier of a dwelling must:
- (i) place recyclable materials designated by the Hamlet for collection service into a recycling receptacle without contamination, and
  - (ii) dispose of recyclable materials not designated by the Hamlet for collection service at an Eco-Centre or other facility that accepts such recyclable materials.
  - (iii) Every owner or occupier of a dwelling must place food scraps and yard waste into a green bin receptacle without contamination.
  - (iv) Every owner or occupier of a dwelling shall:
  - (v) separate garbage, yard waste, food scraps, and recyclable materials and place them in the receptacle provided for their deposit without contamination;
  - (vi) only use the garbage receptacle, green bin receptacle and recycling receptacles supplied by the Hamlet to deposit garbage, yard waste, food scraps and recyclable materials;
  - (vii) at all times maintain all receptacles supplied by the Hamlet in a clean and sanitary condition, without overflow and free from any liquids;
  - (viii) except as provided in subsections (f) and (h), keep the garbage receptacle, green bin receptacle and recycling receptacles securely stored on the property to which the receptacles belong
  - (ix) place the garbage receptacle, green bin receptacle and recycling receptacles out at the collection point near the boundary of the property so that they do not impede pedestrian or vehicle traffic, and with at least one-meter clear space on all sides of each receptacle and three (3) meters of clear space above each receptacle, no earlier than 8:00 p.m. on the day before collection day and no later than 7:00 a.m. on the collection day;
  - (x) ensure that empty receptacles and uncollected garbage, recyclable materials, food scraps and yard waste are removed from the collection point no later than 8:00 p.m. on collection day unless otherwise directed by the Hamlet
  - (xi) ensure that garbage is bagged before being placed in the garbage receptacle.
  - (xii) The Hamlet may for any dwelling, specify a collection point at which the garbage receptacle, green bin receptacle and recycle receptacles must be placed.
  - (xiii) Any garbage receptacles, green bin receptacles or recycling receptacles not supplied by the Hamlet must be compatible with the automated collection system and shall otherwise be approved by the Hamlet.
  - (xiv) An owner or occupant may place bulky items out for collection provided that the owner or occupant has contacted the Hamlet in advance to make arrangements for the pickup of such bulky items, in quantities as approved by the Hamlet's Solid Waste and Recycling Division for each collection. The bulky items shall be placed at the collection point designated by Contractor/Hamlet or as otherwise directed by Contractor/Hamlet.

**5. INDUSTRIAL, COMMERCIAL AND INSTITUTIONAL GARBAGE, YARD WASTE AND RECYCLABLE MATERIALS COLLECTION**

Every owner or occupier of an industrial, commercial or institutional property shall:

- (a) place garbage in a garbage receptacle without contamination;
  - (i) place recyclable materials designated by the Hamlet for collection service in a recycling receptacle without contamination;
  - (ii) dispose of recyclable materials not designated by Contractor/Hamlet for collection service at a facility that accepts such recyclable materials; and
- (b) place yard waste and food scraps in a green bin receptacle without contamination
  - (i) maintain all receptacles in a clean sanitary condition, without overflow and free from any liquids at all times;
  - (ii) keep all waste receptacles securely stored on the property except on collection day; and
  - (iii) provide written information to new tenants, employees and contractors and at least annually to all existing tenants, employees and contractors on how to separate and deposit garbage, yard waste, food scraps, and recyclable materials into the appropriate receptacles without contamination; and
  - (iv) replace any lost or stolen receptacles supplied by the Hamlet at the owner or occupant's expense.

**6. LITTER MANAGEMENT**

- a) No person shall deposit or cause to be deposited any waste, garbage, yard waste, food scraps or recyclable materials in receptacles other than those provided by the Hamlet or private contractor for the property from which the waste, garbage, yard waste, food scraps or recyclable materials originated.
- b) No person shall deposit or cause to be deposited any waste, garbage, or material on any street, sidewalk, boulevard, park or other lands owned by the Hamlet or other public property or upon private property whether owned by that person or not except in a receptacle or facility designed and intended for such waste, garbage, or material.

**7. SEVERABILITY**

If any section or part of the of this Bylaw is held to be invalid by a Court of competent jurisdiction, then that invalid portion shall be severed and the remainder of this Bylaw shall be deemed to have been enacted and adopted without the severed portion.

**8. OFFENCE**

- a) Every person who contravenes a provision of this Bylaw, suffers or permits any act or thing to be done in contravention of any provision of this Bylaw or neglects to do or refrains from doing anything required to be done by any provision of this Bylaw is guilty of an offence.
- b) Every violation of this Bylaw shall be deemed to be a continuing, new and separate offence for each day during which the offence continues.
- c) Any person guilty of an offence under this Bylaw shall be liable, upon summary conviction, to a fine not exceeding \$10,000 and in default of payment to imprisonment not exceeding six (6) months.

Read a First Time this 28 day of July, 2020.

  
MAYOR

  
Senior Administrative Officer

Read a Second Time this 28 day of July, 2020.

  
MAYOR

  
Senior Administrative Officer

Read a Third and Final time this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
Senior Administrative Officer