

NORTHERN VILLAGE OF Aupaluk

By-law No. 2023-19

Concerning the use of the municipal solid waste disposal site and the dumping of waste.

- WHEREAS** the Municipal Council (hereinafter the Council) has the power to secure the peace, order, good government, health and general welfare in the territory of the municipality pursuant to section 166 of *An Act respecting Northern villages and the Kativik Regional Government* (CQLR, c. V-6.1; hereinafter the Kativik Act);
- WHEREAS** the Council has the power to construct, equip and operate plants for the elimination or recycling of waste and to regulate or prohibit the use of places as dumps pursuant to subsection 174 (12) of the Kativik Act;
- WHEREAS** the Council has the power to prohibit the dumping of waste or garbage pursuant to subsection 174 (11) a) of the Kativik Act;
- WHEREAS** this by-law must be adopted and interpreted in light of the laws and regulations in effect in the Province of Québec;
- WHEREAS** a notice of motion for this by-law was duly given during the preceding sitting of the Council held on _____, 2023.

THEREFORE, the Council of the Northern Village of Kuujuaq, by this by-law, enacts and decrees as follow:

1. DEFINITIONS

- 1.1 **"At cost"** shall mean the equipment rental and manpower municipal rates, as adjusted from time to time, and any administrative overhead costs plus 15%.
- 1.2 **"Authorized officer"** shall mean any officer or municipal by-laws enforcement officer of the municipality whose duty is notably to be in charge of the enforcement of the present by-law within the territory under the jurisdiction of the municipality.
- 1.3 **"Construction debris and waste"** shall mean any unwanted, useless, abandoned, discarded or rejected goods or materials of any kind that are normally generated on a construction site other than hazardous materials.
- 1.4 **"Hazardous material"** shall mean a material which, by reason of its properties, is a hazard to health or to the environment and which is explosive, gaseous, flammable, poisonous, radioactive, corrosive, oxidizing or leachable or is designated as a hazardous material, and any object classed by any law or regulation as a hazardous material.
- 1.5 **"Household hazardous material"** shall mean a hazardous material generated by residential domiciles.
- 1.6 **"Household waste"** shall be used in its usual meaning and includes, without in any way limiting the generality of the foregoing, any solid residue from a house, store or building generated in or from residential domiciles other than hazardous materials.
- 1.7 **"Industrial hazardous material"** shall mean all hazardous material that are not generated by residential domiciles.

- 1.8 **"Industrial waste"** shall mean any garbage other than household waste and hazardous material and includes, without in any way limiting the generality of the foregoing, general construction debris and waste as well as industrial, commercial and institutional waste.
- 1.9 **"Person"** shall mean any physical person, whether a municipal citizen or not, a company, partnership, firm, corporation, association or public body.
- 1.10 **"Waste container"** shall mean a garbage box, garbage room or dumpster.
- 1.11 **"Waste generator"** shall mean the person, both natural and legal, that produces waste.

2. MUNICIPAL SOLID WASTE DISPOSAL SITE

- 2.1 A municipal solid waste disposal site is hereby officially created.

3. HOURS OF OPERATION

- 3.1 The hours of operation of the municipal solid waste disposal site shall be as follows:

Summer hours (from May to November)

Monday to Friday: from 9:00 a.m. to 6:00 p.m.

Saturday: from 10:00 a.m. to 4:00 p.m.

Sunday: from 10:00 a.m. to 4:00 p.m.

Winter hours (from December to April)

Monday to Friday: from 9:00 a.m. to 4:00 p.m.

Saturday: from 10:00 a.m. to 4:00 p.m.

Sunday: from 10:00 a.m. to 4:00 p.m.

- 3.2 The municipal solid waste disposal site shall be closed on Sundays and any statutory holiday.
- 3.3 Service outside regular hours shall be referred to as a recall, and each recall shall be subject to an extra charge of one hundred fifty dollars (\$150).

4. OPERATION OF THE MUNICIPAL SOLID WASTE DISPOSAL SITE

- 4.1 The municipality is in charge of the operation of the municipal solid waste disposal site and, without in any way limiting the generality of the foregoing, the only person allowed to monitor the burning of garbage.
- 4.2 Whoever wants to personally dump household waste into the municipal solid waste disposal site must obtain the prior written approval of the authorized officer.
- 4.3 Whoever wants to personally dump industrial waste at the municipal solid waste disposal site must obtain the prior written approval of the authorized officer and must pay the rate set forth in Appendix I, which forms an integral part of this by-law.
- 4.4 All recoverable or salvageable materials must be stored by type of material in the identified areas within the municipal solid waste disposal site.
- 4.5 Whoever damages the roads, signage, fencing or the infrastructures found within the municipal solid waste disposal site will be held responsible and will be charged "at cost" for work performed by or on behalf of the municipality in order to repair the damages.

5. OBLIGATIONS

- 5.1 Every waste generator shall maintain, in good condition, in each location he/she uses, sufficient covered or enclosed waste containers to contain the solid waste normally originating at that location during the course of one week.
- 5.2 All waste containers shall be accessible from the public roadway.
- 5.3 All waste deposited in a waste container must first be placed in a garbage bag.
- 5.4 Each person shall maintain, at his own expense, unimpeded access to his waste containers.

6. CONSTRUCTION DEBRIS AND WASTE

- 6.1 Any construction or building material being used or stored on private property must be stored on the said property, in a neat and orderly fashion otherwise it will be defined as construction debris and waste under the terms of this by-law.
- 6.2 All reusable construction debris and waste must be offered and advertised to the general public for a minimum period of 48 hours prior to disposal at the municipal solid waste disposal site in accordance with the following dispositions.
- 6.3 Whoever is required to dump construction debris and waste at the municipal solid waste disposal site must obtain the prior written approval of the authorized officer and must pay the rate set forth in Appendix 1, which forms an integral part of this by-law and may be modified by a resolution of the Council.
- 6.4 Except as provided under subsection 6.5, all debris and waste on a construction or work site must be segregated and placed in covered containers, on a daily basis, then hauled in a covered conveyance to the municipal solid waste disposal site within reasonable delay.
- 6.5 Where a waste container is not available, all debris and waste on a construction or demolition site shall be segregated, hauled in a covered conveyance and disposed of at the municipal solid waste disposal site on a daily basis.
- 6.6 If the waste generator fails to dispose properly of said construction debris and waste within 48 hours of a written notice from the authorized officer, the municipality may dispose of the construction debris and waste at the expense of the waste generator.

7. HAZARDOUS MATERIAL

- 7.1 No one shall indiscriminately dispose of hazardous material.
- 7.2 No one is allowed to dump hazardous material into the municipal solid waste disposal site.
- 7.3 No person shall dispose of hazardous material in any waste container or any other place without the express authority of the authorized officer who shall designate the manner and place in which it shall be disposed of.
- 7.4 Collection, transportation, handling, storage and disposal of industrial hazardous material is the sole responsibility of the waste generator and must be done in accordance with the laws and regulations in effect in the Province of Québec. Centers for collection, storage and handling of industrial hazardous material are available in Nunavik prior to transportation and disposal south of the 55th parallel.

- 7.5 Household hazardous material shall be stored by the waste generator until the municipality holds a "household hazardous material collection" when these wastes shall be brought to an area prescribed by the authorized officer for disposal.
- 7.6 Domestic and commercial appliances must be emptied of all hazardous materials (including gases and oils) before being sent to the municipal solid waste disposal site. These hazardous materials must be contained, stored and disposed of in accordance with federal and provincial regulations.
- 7.7 If the waste generator fails to dispose properly of said hazardous material within 48 hours of a written notice from the authorized officer, the municipality may dispose of the hazardous material at the expense of the waste generator.

8. ASBESTOS

- 8.1 No one shall dispose of materials that contain asbestos at the municipal solid waste disposal site or any other place.
- 8.2 All materials that contain asbestos must be sent to an authorized disposal site south of the 55th parallel.

9. ASPHALT SHINGLES

- 9.1 No one shall dispose of asphalt shingles at the municipal solid waste disposal site or any other place.
- 9.2 All asphalt shingles must be sent to an authorized disposal site south of the 55th parallel.

10. CONTAMINATED SOIL

- 10.1 No one shall dispose of contaminated soil at the municipal solid waste disposal site.
- 10.2 All contaminated soil must be sent to a treatment center for decontamination according to the laws and regulations in effect in the Province of Quebec. Treatment centers for decontamination are available in Nunavik and south of the 55th parallel.
- 10.3 Collection, transportation, handling, storage and disposal of contaminated soil is the sole responsibility of the waste generator and must be done in accordance with the laws and regulations in effect in the Province of Québec.

11. MOTORIZED VEHICLES

- 11.1 No one shall dispose of a motorized vehicle without the prior written approval of the authorized officer.
- 11.2 All motorized vehicles must be emptied of all hazardous materials prior to disposal at the municipal solid waste disposal site.
- 11.3 No one shall keep on its lot one or several motorized vehicles which are not in working condition fabricated more than seven (7) years previously.
- 11.4 No person shall keep tires outside of a building.

12. NUISANCE CAUSED ON PUBLIC PROPERTY

- 12.1 Any person who soils public property, including, but not limited to roads or streets, laneways, alleys, or public buildings, by depositing there or throwing waste, paper, empty bottles, empty cans, foul substances, scrap metal, dirty waters, oil, contaminants,

construction materials or any other object, material or substance shall constitute a nuisance.

- 10.2 Any person who soils public property must clean the said premises.
- 10.3 Cleaning must be immediately performed or, depending on circumstances, within a deadline prescribed by the authorized officer.
- 10.4 If the person who soiled public property fails to clean up the soiled public property within 48 hours of a written notice from the authorized officer, the municipality may clean up the soiled public property at the expense of the person responsible.

13. INSPECTION OF PROPERTY

- 13.1 An authorized officer has the right, if he believes on reasonable grounds that an offence against this by-law has been committed, to visit and examine all moveable and immovable property, as also the interior or exterior of any house, building or edifice, in order to ascertain whether his by-law has been contravened.
- 13.2 The owner, lessees or occupants of the property shall allow the authorized officer to make such a visit or examination within normal business hours.

14. PENALTIES

- 14.1 Every person who contravenes any of sections 5.1 to 5.4 and 10.1 of this by-law commits an offence and is liable, upon penal proceedings, to a minimum fine of fifty dollars (\$50), with costs. Each day of infringement constitutes a separate offence.
- 14.2 Every person who contravenes any of sections 4.1 to 4.4, 6.1 to 6.4, 7.1 to 7.6, 8.1 and 9.1 to 9.4 of this by-law commits an offence and is liable, upon penal proceedings, to a fine of three hundred dollars (\$300), with costs. Each day of infringement constitutes a separate offence.
- 14.3 The Court convicting a person for the breach of any section of this by-law may, in addition to any fine it may impose, issue an order to enjoin that person to refrain from committing any further such offence and/or cease to carry on any activity specified in the order and/or, if such person is the holder of a permit, license or certificate granted under this by-law, suspend such permit, license or certificate for the period that it deems appropriate, or revoke the same, or prohibit the renewal thereof during the period that it deems appropriate.
- 14.4 An authorized officer may issue a statement of offence pursuant to this by-law.
- 14.5 Delays for the payment of penalties and costs imposed by virtue of the present section and consequences of failure to pay aforementioned penalties and costs are established in accordance with the provisions of the *Code of penal procedure of Québec* (CQLR, c. C-25.1).

15. APPLICATION

- 15.1 The provisions of this by-law apply to the whole territory under the jurisdiction of the municipality.

16. REPEAL OF PREVIOUS BY-LAW

- 16.1 This by-law supersedes and replaces any previous by-law enacted by the Council, for the same purposes, and any such by-law is hereby repealed.

17. COMING INTO EFFECT

- 17.1 Should any section of this by-law be totally or partially voided by a Court, its other provisions shall remain valid and in force.
- 17.2 The present by-law shall come into effect the date of its publication in accordance with section 138 of the *Kativik Act*.

18. VERSIONS

- 18.1 In the event of a discrepancy between the English, French and Inuktitut versions, the English version shall prevail.

19. COPY

19.1 Once published, the Secretary-Treasurer shall transmit a copy of the present by-law without delay to the Kativik Regional Government as per section 160 of the Kativik Act.

IN FAVOUR: 6

OPPOSED: 0

ABSTENTIONS: 0

ABSENTEES: 1

DATE OF ADOPTION: December 14, 2023

MAYOR'S SIGNATURE:

(S) 

SECRETARY-TREASURER'S SIGNATURE:

(S) 

DATE OF PUBLICATION:

APPENDIX I

RATES APPLICABLE TO INDUSTRIAL, COMMERCIAL, INSTITUTIONAL (ICI) AND CONSTRUCTION WASTE DUMPING UNDER SECTION 4.5, 6.2 and 7.4

RATES FOR DISPOSAL OF SEGREGATED CONSTRUCTION DEBRIS (\$100/m³)

1.	Pick-up truck (4 X 8 X 2 feet) ±2m ³	\$200/load
2.	Pick-up extension (Trailer or equivalent)	\$200/load
3.	Six-wheel truck (±6m ³)	\$500/load
4.	Ten-wheel truck (±12m ³)	\$1100/load
5.	Articulated truck (±24m ³)	\$2200/load
6.	Loader (Bucket)	\$200/load
7.	Contained construction material	\$100/m ³
8.	General rate for bulky waste	\$100/m ³

OTHER RATE PER ITEM

9.	Car / Truck body	\$400
10.	Snowmobile / ATV	\$200
11.	Large Appliances (white goods including water heater tanks)	\$125
11.	Fridge/ Freezer /Air Conditioning Units (including Freon Removal)	\$200
12.	Automotive Battery	\$50
13.	Oil tank	\$100
14.	Drum (empty)	\$30
14.	Tires	\$35
15.	Oversized tires (≥48.5")	\$500
16.	Water and sewage reservoir (empty)	\$200

OTHER INDUSTRIAL HAZARDOUS MATERIAL DISPOSAL IS THE SOLE RESPONSIBILITY OF THE WASTE GENERATOR

N.B.: The above does not include rates for equipment rental and manpower.

Contract prices available upon request.