

NORTHERN VILLAGE OF Umiujaq

By-law No. 2016 - 03

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** pursuant to subsection 174 (14) of the Kativik Act, the Council may make by-laws to define what shall constitute a nuisance and to regulate or prohibit the same, including noise;
- 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 May 27th, 2016.

THEREFORE, the Council of the Northern Village of Umiujaq, 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 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.

- 1.6 "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.
- 1.7 "Person" shall mean any physical person, whether a municipal citizen or not, a company, partnership, firm, corporation, association or politic body.
- 1.8 "Waste container" shall mean a garbage box, garbage room or dumpster.

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.

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.

- 3.2 The municipal solid waste disposal site shall be closed on Sunday 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 Public removable containers shall be accessible only for household waste at the entrance of the municipal solid waste disposal site and shall be used solely for the purposes intended for.
- 4.3 No person shall be allowed to dump industrial waste in the public containers as mentioned in section 4.2.
- 4.4 Whoever wants to personally dump household waste into the municipal solid waste disposal site must obtain the prior approval of the authorized officer.
- 4.5 Whoever wants to personally dump industrial waste at the municipal solid waste disposal site must obtain the prior approval of the authorized officer and must pay the rate set forth in Appendix I, which forms an integral part of this by-law.
- 4.6 All recoverable or salvageable materials must be stored by type of material in the identified areas within the municipal solid waste disposal site.

- 4.7 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 The owner, lessee or occupant of a building shall maintain, in good condition, sufficient covered or enclosed waste containers.
- 5.2 All waste containers shall be kept within municipal boundaries and be located and be positioned adjacent to the public roadway.
- 5.3 All waste generated by any person and placed in a waste container must first be placed in a garbage bag.
- 5.4 The owner, lessee or occupant of a building shall maintain, at his own expense, unimpeded access to their waste containers, including the removal of ice, snow, mud, vehicles, pets and yard materials.
- 5.5 The owner, lessee or occupant of a building must keep the yards and dependencies attached to the building properly clean and free of all waste water, garbage and putrid substances.

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 or it may be defined as construction debris and waste under the terms of this by-law.
- 6.2 Subject to subsection 6.3, 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.
- 6.3 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.
- 6.4 The municipality may dispose of construction debris and waste if it has not been properly disposed of within twenty (24) hours of notification to do so, and the waste generator charged "at cost" for work performed by or on behalf of the municipality.

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 it shall be disposed of.
- 7.4 Household hazardous material shall be stored by the residential waste generator until the municipality holds a "household hazardous material round-up" when these wastes shall be brought to an area prescribed by the authorized officer for the disposal.
- 7.5 Collection, transportation, handling, storage and disposal of industrial hazardous material is the sole responsibility of the person generating waste and must be done in accordance with the laws and regulations in effect in the Province of Québec.

- 7.6 Whoever wants to store any hazardous material at the municipal solid waste disposal site must obtain the prior approval of the authorized officer who will ensure that this material is, at the user's expense, shipped to the proper place and treated in accordance with the laws and regulations in effect in the Province of Québec.

The municipality shall however not charge the generator of household hazardous material for its shipment and treatment.

- 7.7 The municipality may dispose of hazardous material if it has not been properly disposed of within twenty (24) hours of notification to do so, and the waste generator charged "at cost" for work performed by or on behalf of the municipality.

8. MOTORIZED VEHICLES

- 8.1 Constitute a nuisance any person who leaves, puts or tolerates outside of a closed building the presence of one or several motorized vehicles fabricated more than seven (7) years ago, not registered for the current year and out of state of functioning.
- 8.2 Constitute a nuisance any person who keeps tires outside of a closed building, or tolerates such act.

9. NUISANCE CAUSED ON PUBLIC PROPERTY

- 9.1 Constitute a nuisance any person who soils public property, notably, but no limited to, on roads or in streets, lane ways, alleys, or public buildings, by leaving there or throwing waste, paper, empty bottles, foul substances, scrap metal, dirty waters, oil, contaminants, construction materials or any other object, material or substance.
- 9.2 Any person who soils public property must clean the said premises.
- 9.3 Cleaning must be immediately performed or, depending on circumstances, in a prescribed deadline by the authorized officer.
- 9.3 The municipality may clean up the soiled premises if it has not been done or properly done within twenty (24) hours of notification to do so, and the waste generator charged "at cost" for work performed by or on behalf of the municipality.

10. INSPECTION OF PROPERTY

- 10.1 An authorized officer has the right 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 that the provisions of this by-law are complied with.
- 10.2 The owner, lessee or occupant of the property shall allow the authorized officer to make such a visit or examination.

11. PENALTIES

- 11.1 Every person who contravenes any of sections 4.2, 5.1 to 5.5 and 9.1 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.
- 11.2 Every person who contravenes any of sections 4.1, 4.3 to 4.6, 6.1 to 6.3, 7.1 to 7.4, 7.6, 8.1, 8.2 and 10.2 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.

11.3 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.

11.4 An authorized officer may issue a statement of offence pursuant to this by-law.

11.5 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).

12. APPLICATION

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

13. REPEAL OF PREVIOUS BY-LAW

13.1 This by-law supersedes and replaces any previous by-law enacted by the Council, wholly or partially for the same purposes, and any such by-law is hereby repealed to the extent of any inconsistencies with this by-law.

14. COMING INTO EFFECT

14.1 Should any section of this by-law be totally or partially voided by a Court, its other provisions shall remain valid and in force.

14.2 The present by-law shall come into effect the date of its publication in accordance with section 138 of the Kativik Act.

15. VERSIONS

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

16. COPY

16.1 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: -4

OPPOSED: 0

ABSTENTIONS: 0

ABSENTEES: 3

DATE OF ADOPTION: 2016-05-27

MAYOR'S SIGNATURE:

(S)

SECRETARY-TREASURER'S SIGNATURE:

(S)

DATE OF PUBLICATION:

APPENDIX I

RATES PER LOAD

| | | |
|----|---------------------------------------|-------|
| 1. | Pick-up truck (4 X 8 X 2 feet) | \$40 |
| 2. | Trailer or equivalent | \$40 |
| 3. | Six-wheel truck (6m ³) | \$120 |
| 4. | Ten-wheel truck (12m ³) | \$240 |
| 5. | Articulated truck (24m ³) | \$480 |
| 6. | Loader (Bucket) | \$30 |
| 7. | Appliance (each) | \$20 |

OTHER RATE PER LOAD

1. The rate is of twenty dollars (\$20) per cubic meter.

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

Contract prices available upon request.