

**TOWN OF INUVIK
BY-LAW #2647/H&S/20**

A BY-LAW OF THE MUNICIPAL CORPORATION OF THE TOWN OF INUVIK IN THE NORTHWEST TERRITORIES TO PROVIDE FOR SCAVENGING AT THE SOLID WASTE DISPOSAL FACILITY

PURSUANT TO the *Cities, Towns and Villages Act* of the Northwest Territories, S.N.W.T. 2003, c. 22 as amended;

WHEREAS the Town of Inuvik wishes to regulate scavenging at the Solid Waste Disposal Facility;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Town of Inuvik, in Council duly assembled, enacts as follows:

1.0 SHORT TITLE

1.1 This by-law may be cited as the “**Scavenging By-law**”.

2.0 DEFINITIONS

2.1 In this by-law, the following terms have the following meanings, unless context requires otherwise:

- 1) “**Domestic Waste Dump**” means an area within the Solid Waste Disposal Facility designated for the disposal of household waste such as paper, diapers, food containers, clothing, tins and any other general household waste.
- 2) “**Person**” has the meaning given to it in the Northwest Territories *Interpretation Act*.
- 3) “**Peace Officer**” means any By-law Enforcement Officer of the Town of Inuvik, or any RCMP officer.
- 4) “**Scavenge**” means removing anything from an area designated as a Solid Waste Disposal Facility.
- 5) “**Scavenging Permit**” means a permit issued by the Senior Administrative Officer or their designate for the Scavenging from the Domestic Waste Dump.
- 6) “**Senior Administrative Officer**” means the Senior Administrative Officer of the Municipal Corporation of the Town of Inuvik.
- 7) “**Solid Waste Disposal Facility**” means any area set aside by the Town for the dumping of garbage, domestic waste, refuse and any other non-hazardous waste.

3.0 GENERAL

- 3.1 The Senior Administrative Officer or their designate is authorized to issue a scavenging permit to any person wishing to scavenge from the domestic waste dump.
- 3.2 No person shall scavenge from the domestic waste dump without a scavenging permit.
- 3.3 No person shall enter the solid waste disposal facility to scavenge when the facility is closed to the public or otherwise closed to scavenging.
- 3.4 No person shall obstruct a Peace Officer in the enforcement of this by-law.
- 3.5 No person shall break open bags of garbage while scavenging.
- 3.6 The Senior Administrative Officer or their designate may revoke the scavenging permit of anyone found to be contravening this by-law.

4.0 NOTICE OF APPEAL AND DECISION

- 4.1 The revocation of a scavenging permit may be appealed to Council.
- 4.2 Appellants must submit notice of their appeal in writing to the Senior Administrative Officer within seven (7) days of the revocation date.
- 4.3 Each notice of appeal shall:
- i) state with reasonable exactness the grounds of appeal;
 - ii) state the name and address of the appellant and the interest of the appellant as stated on the permit; and,
 - iii) be dated and signed by the appellant or on their behalf by their agent; if signed by an agent, it shall state the name and address of the agent.
- 4.4 Upon receiving a notice of appeal, the Senior Administrative Officer shall set a date for the appeal hearing which shall be held within fifteen (15) days of the receipt of the notice of appeal.
- 4.5 Where a decision to revoke a scavenging permit is appealed pursuant to section 4.1, the decision is stayed pending a decision by Council on the appeal.
- 4.6 Council shall consider each appeal having regard to the circumstances and merits of the case and applicable provisions of this by-law. When hearing an appeal, Council shall:
- i) not be bound by the technical rules of evidence; and,
 - ii) afford to every person concerned the opportunity to be heard, to submit evidence and to hear the evidence of others.
- 4.7 Council's decision shall be final. Council may:
- i) confirm the revocation, vary the revocation, or reinstate the scavenging permit; and,
 - ii) add any conditions that Council may see fit.

5.0 OFFENCES

- 5.1 Every person who contravenes any provision of this by-law is guilty of an offence and is liable upon Summary Conviction (if a fine is not otherwise specified in Schedule A attached to and forming part of this by-law) to:
- i) for a person, to a fine not exceeding two thousand dollars (\$2,000.00), or to imprisonment for a term not exceeding six (6) months, or to both;
 - ii) for a corporation, to a fine not exceeding ten thousand dollars (\$10,000.00), or to imprisonment for a term not exceeding six (6) months, or to both.
- 5.2 In addition to any fine that may be levied, the court may order a person convicted of an offence under this by-law:
- i) to pay any fee or charge that may otherwise be payable by the person to the Town in respect of any licence or permit that should have been obtained by the person; and,
 - ii) to do or refrain from doing any activity that the court may specify.
- 5.3 A Peace Officer may issue a Summary Offence Ticket in the form prescribed by the *Summary Convictions Procedures Act* to any person who contravenes any provision of this by-law, and such person may, in lieu of prosecution, pay the Town of Inuvik the specified

penalty for the offence as listed in Schedule A attached to and forming part of this by-law, prior to the court date specified on the ticket.

6.0 SEVERABILITY

6.1 If any provision or part of this by-law is declared by court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the by-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

6.0 REPEALS

6.1 By-law #1864/H&S/00 as amended and any other scavenging by-laws in effect are hereby repealed.

7.0 EFFECT


7.1 This by-law shall come into effect upon the day of its final passage.

READ A FIRST TIME THIS 12TH DAY OF FEBRUARY, 2020 A.D.

READ A SECOND THIS 12TH DAY OF FEBRUARY, 2020 A.D.

READ A THIRD TIME AND FINALLY PASSED THIS 26TH DAY OF FEBRUARY, 2020 A.D.


MAYOR


SENIOR ADMINISTRATIVE OFFICER

I hereby certify that this by-law has been made in accordance with the requirements of the *Cities, Towns and Villages Act* and the by-laws of the Town of Inuvik.


SENIOR ADMINISTRATIVE OFFICER

SCHEDULE A
SPECIFIED PENALTIES

SECTION	OFFENCE	SPECIFIED PENALTY
3.2	Scavenge without a permit	\$100.00
3.3	Enter the solid waste disposal facility to scavenge after hours or when scavenging is otherwise prohibited	\$200.00
3.4	Obstruct Peace Officer	\$500.00
3.5	Open bags of garbage while scavenging	\$100.00