

THE GARDEN RIVER FIRST NATION BAND

BY-LAW NO. 14

BEING A BY-LAW FOR THE REGULATION OF GARBAGE

BEING A BY-LAW TO REPEAL AND REPLACE

BY-LAW NO. 4 (SOR/76-332) BCR NO. 493 - 3- 10- 2

ENACTED ON THE 16 DAY OF MAY 1968

WHEREAS the Council of the Garden River First Nations desires to make a by-law governing the regulation of traffic;

AND WHEREAS the Council of the Garden River First Nation Band is empowered to make such by-law pursuant to paragraphs 81 (1)(b), (q) and (r) of the Indian Act;

AND WHEREAS it is considered to be expedient and necessary for the safety and convenience of the Garden River First Nation Band to regulate traffic on the reserve;

AND WHEREAS the council of the Band did enact By-Law Number 4 on the 16th day of May 1968, and wishes to repeal the said By-Law Number 4 and replace it with this by-law;

NOW THEREFORE the Council of the Garden River First Nation Band hereby makes the following by-law;

# GARDEN RIVER FIRST NATION

## GARBAGE BY-LAW

BY-LAW NUMBER ( 14 )

A by-law for establishing and maintaining a system for:

- i) collection, removal and disposal of waste, and other refuse
- ii) disposal of recyclable materials
- iii) deposition of inoperable vehicles

The Council of the Garden River First Nation pursuant to Section 81 (1) of the Indian Act, RSC 1850, Chapter 1-5 ENACTS as follows:

### 1. DEFINITIONS

In this By-Law:

- a) "Approved Container" means a receptacle of the type described in paragraph 6(a) of this by-law
- b) "Ashes" means the solid residue of any fuel used for heating, cooking purposes and cleanings from chimneys
- c) "Collector" means a First Nation employee or person under contract to the Garden River First Nation to collect waste under the provisions set forth in the By-law
- d) "Council" means the Council of the Garden River First Nation
- e) "Director" means the Director of Operations or designate employed by the Garden River First Nation

- f) "Domestic Refuse" means waste material resulting from the operation and maintenance of a dwelling.
- g) "Dwelling" means a place of residence with its own sleeping, cooking, eating and sanitary facilities for persons, and includes a single family dwelling, apartment building, tenement or other multiple dwelling.
- h) "Household Waste" means all waste materials and refuse, including organic yard waste, abandoned, rejected or discarded from any dwelling or apartment building.
- i) "Householder" means any owner, occupant, lessee or any person in charge of any dwelling or apartment building.
- j) "Inoperable Vehicle" means wrecked, dismantled, discarded, unused or unlicensed vehicles, boats or trailers.
- k) "Occupant" includes any lessee, tenant, householder, owner or any person in charge of any "premises" as hereunder defined.
- l) "Organic Yard Waste" means garden refuse, shrubbery, and tree clippings, plant material and leaves.
- m) "Premises" includes any building, place, dwelling place, room or room-house, apartment, hotel, motel, restaurant, shop, store, office, shopping centre, parking lot, and any other property which is under separate occupation or control.
- n) "Recyclable Materials" means materials deemed to be recyclable under Recycling Program of the Garden River First Nation and may include plastic, metal food and beverage container, glass and paper as designated and includes organic yard waste.
- o) "Street" means a highway, road, lane, alley, square, thoroughfare or way and includes private roadways, provided that they are maintained to the satisfaction of the Director of Operations.
- p) "Trade Waste" means any non-hazardous industrial, commercial, or manufacturers' waste and shall include the following:
  - i) any abandoned, condemned or rejected product, bi-product, builders' and contractors' refuse, the stock of any wholesale or retail merchant, or fruit, vegetable or food dealer and garbage and service station waste, and

- ii) any solid wastes originating from any industrial processes, or any business, industry or commercial establishment, and
  - iii) corrugated cardboard, commercial plastic wrapping, styrofoam packing material, and
  - iv) household and commercial/industrial appliances, and
  - v) household and commercial/industrial furnaces and other types of heating units, and
  - vi) discarded office furnishings, partitions, office equipment, and
  - vii) discarded wire.
- q) "Waste" means and includes:
- i) Garbage consisting of all animal or vegetable waste material from the preparation of food, cans, sweepings, paper, cardboard, wearing apparel, ashes, glass, bottles, and discarded household utensils, and other non-prohibited material which can be accommodated into the collector's vehicles and collection equipment;
  - ii) Refuse includes garden cuttings, leaves, twigs, branches, brush, tree limbs, and shrubs;
  - iii) Rubbish means weighty or bulky materials or articles, and without limiting the generality of the foregoing, includes such items as stoves, refrigerators, rugs, furniture, non-collapsible boxes, crates and barrels, bath tubs, water tanks, bicycles, tires, fence and washline posts, and any other materials and articles which would normally accumulate at a dwelling and are not included in "Garbage" or "Refuse" but does not include "Non-collectable waste".
- r) "Non-Collectible Waste" means any waste other than "garbage" or "refuse" and without limiting the generality of the foregoing shall include:
- i) manufacturing waste or industrial waste.

- ii) explosives and any highly flammable or volatile substances of any nature whatsoever.
- iii) liquid or gaseous wastes.
- iv) infected materials including dressings or bandages.
- v) organic material including swill which has not been drained of all liquids and wrapped.
- vi) carcasses or parts thereof of any animal or other creature, except kitchen and table waste from a household.
- vii) hay, straw, manure and excreta.
- viii) any materials which have become frozen to a waste receptacle and cannot be removed therefrom by shaking at the time of collection.
- ix) stock of any wholesaler, retailer, or merchandiser.
- x) broken plaster, lumber, broken concrete, excavated material or other waste resulting from the construction, alteration, repair, demolition or removal of any building or structure.
- xi) discarded trucks, automobiles and other vehicles and the parts thereof or accessories thereto, including tires.
- xii) caustics and acids.
- xiii) poisons, pesticides and herbicides.
- xiv) septic tank pumpings, raw sewage sludge and industrial process sludge.
- (xv) tree trunks and stumps.
- (xvi) asbestos in solid or liquid form resulting from the removal of asbestos-containing construction or insulation materials or the making of asbestos-containing products containing asbestos in more than a trivial amount or proportion.
- (xvii) sawdust or wood shavings.
- (xviii) celluloid cuttings, film, petroleum-soaked rags.
- (xix) explosive or easily combustible substances.
- (xx) hazardous industrial waste.
- (xxi) acute hazardous waste chemical.
- (xxii) hazardous waste chemical.
- (xxiii) severely toxic waste.

- (xxiv) ignitable waste.
- (xxv) corrosive waste.
- (xxvi) reactive waste.
- (xxvii) radioactive waste.
- (xxviii) pathological waste.
- (xxix) PCB waste as defined in the Ontario Regulation 11-82.
- (xxx) used oil.
- (xxxi) paint.

## 2. RESPONSIBILITIES OF THE FIRST NATION

- a) The Director of Operations for the Garden River First Nation shall provide and be responsible for the collection of garbage, waste, other refuse and recyclable materials within the Garden River Indian Reserve # 14. Collection of waste shall include domestic refuse and certain trade waste of a non-hazardous nature from households, institutions and commercial operations as approved by the Director of Operations.
- b) Collection of garbage, waste, other refuse and recyclable materials shall occur once per week on (day of week). No garbage, waste or other refuse collection shall be provided on New Year's Day, Good Friday, Victoria Day, Canada Day, Civic Holiday, Labour Day, Thanksgiving Day, Christmas Day and Boxing Day.
- c) Any business, institution, commercial undertaking or residence requiring additional collection services shall provide and use a Waste Container for storage until collection is made. This collection must be done by an approved private contractor equipped to handle such waste collection.

## 3. RESPONSIBILITY OF COLLECTOR

- a) The Collector shall collect all garbage, waste, recyclable materials and other refuse in accordance with the provisions of this By-Law and any contract entered into with The Garden River First Nation.

- b) Garbage, waste, recyclable material and other refuse shall be collected from areas approved by the Director of Operations.
- c) The Collector shall be responsible for the collection, removal, transportation and unloading of garbage at a waste disposal site approved by The Garden River First Nation.
- d) The Collector shall handle all receptacles with due care and after thoroughly removing their contents, shall replace the receptacles with covers secured at the location from which they were collected.
- e) All approved containers which are damaged or improperly removed by the Collector shall be either repaired or replaced by the Collector.
- f) The Collector shall not collect:
  - i) any non-collectable waste;
  - ii) any collectable waste from waste receptacles or waste containers that are inaccessible to the collectors;
  - iii) any collectable waste not placed for collection as stipulated in Section 5;
  - iv) any waste that is not deposited according to the requirements set out by this By-Law;
  - v) any waste that has been scattered and strewn about. The clean-up of such waste shall be the responsibility of the person who placed out the waste for collection purposes.
- g) The Collector shall enforce the provisions of this By-law which affect the collection of garbage, waste, recyclable material and other refuse.

#### 4. RESPONSIBILITIES OF THE HOUSEHOLDERS AND INSTITUTIONS

- a) The Householder shall place garbage, waste, recyclable material and other refuse out for collection in accordance with the provisions of this By-law.
- b) The householder shall not deposit or permit the deposit upon any lands belonging to the householder, in the householder's occupation or under the householder's control of any garbage, any material or thing which may endanger public health.

- c) Waste Receptacles as described in Section 6(a) shall be covered so as to prevent the scattering of loose waste, the ingress and egress of flies, the escape of offensive odours, and at all times, shall be kept in a proper, clean, and sanitary condition. All waste from the preparation of food shall be thoroughly wrapped before being placed in the receptacle.
- d) Non-collectible waste shall not be placed with waste that has been placed for normal collection.
- e) Plastic bags as approved in Section 6(c) shall be stored in a manner which affords them protection from domestic and other scavenging animals, and when set out for collection, shall be securely tied or otherwise sealed to prevent the contents from being scattered.
- f) Waste shall be drained of all liquids and securely wrapped and deposited in an approved receptacle supplied by the person concerned; and any sharp objects or broken glass shall be securely wrapped with materials so that the sharp object or broken glass cannot pierce the wrapper; and no non-collectible waste or rubbish shall be placed therein.
- g) No person, including the Collector shall sweep, throw, cast, lay or deposit any garbage, non-collectible waste or trade waste on any land, creek, street or public property within the Garden River Indian Reserve # 14.
- h) No person shall retain or store garbage or waste for extended periods of time or in such quantity or manner that adjacent private properties or public lands are adversely affected visually or by offensive odours, flies or vermin.
- i) No person shall convey through the streets any garbage or any non-collectible waste unless in approved containers, or in vehicles totally enclosed or covered with canvas or tarpaulins and fastened down around the edges so as to prevent any of the contents from falling upon the streets, protect the same from flies and control as far as possible, the escape of any offensive odours therefrom.
- j)
  - i) Any person who fails to observe Paragraph 4(a) above and caused any waste or garbage to fall upon any street shall remove the same immediately;
  - ii) If such waste or garbage is not removed immediately, the First Nation shall remove the material at the expense of the contravener.



5. PROCEDURES FOR COLLECTION

- a) The Garden River First Nation garbage collection system is a "roadside collection service" for collection at ground level and garbage and/or refuse shall be placed for collection in accordance with the following:
  - i) Roads with gravel shoulders - directly on the road shoulder, but not so as to impede or interfere with the flow of pedestrian or vehicular traffic or maintenance of the street;
  - ii) Roads with concrete curbs - garbage and/or refuse to be placed directly behind curb;
  - iii) Roads with asphalt gutter and asphalt shoulder - garbage or refuse to be placed on end of asphalt shoulder.
- b) Waste receptacles and recyclable materials which are ready for removal by the Collector shall be placed, before 7:00 a.m. local time on the collection day. No person shall place garbage or recyclable materials out for collection other than at the above times.
- c) The Director of Operations is hereby authorized and may fix and direct a time for placing items for a special collection, (i.e. Christmas trees, household appliances or furniture) and shall announce the time for a special collection. Material placed for a special collection shall not be placed out for collection before 7:00 p.m. local time prior to the day fixed for collection.
- d) Empty receptacles and all garbage, waste, recyclable material and other refuse not collected as a result of non-compliance with this By-law, shall be removed by the householder before 8:00 pm local time on the day of garbage collection.
- e) Garbage and/or refuse placed in waste receptacles for collection purposes shall not be placed, staked, piled, etc., in such a manner as to exceed 1.50m (5 feet) in height measured from the highest point of any waste receptacle to ground surface at a location as set out in Section 5(a). Ground surface shall be considered to mean any surface normally experienced during the summer season at locations set out in Section 5(a).

- f) The householder shall only place garbage, household waste and recyclable materials in approved receptacles out for collection.

6. APPROVED RECEPTACLES

- a) Every householder requiring collection shall provide sufficient receptacles conforming to the following specifications:
- i) Returnable Receptacles: shall be durable, rust resistant, non-absorbent containers having a close fitting cover and two suitable handles. Each waste receptacle shall be of a capacity not exceeding 110 litres (24 gallons) and which, when filled, shall not weight more than 25 kilograms (55 pounds);
  - ii) Non-Returnable Plastic Bags: the use of plastic garbage bags as waste receptacles shall be acceptable, provided they are a minimum of 1.5 millimetres in thickness and no less than 45 x 90 centimetres (when empty) and free from tears or other damage. Cardboard cartons containing refuse are permitted but must be sound, dry and covered on all sides;
  - iii) Returnable Bushel Baskets: and/or clear plastic bags may be used, if in good condition, for the disposal of organic yard waste.
  - iv) The Blue Box: must be used for disposal of recyclable materials, but not organic yard waste.
- b) Other receptacles which are irregular in shape such as paint cans, oil drums and other smaller receptacles shall not be used unless the receptacle is intended for disposal with the contents. Such containers shall be securely covered to prevent the contents from being scattered.
- c) Ashes shall be properly sealed in heavy duty plastic bags and not weigh more than 25.0 kilograms (55 pounds). All ashes shall be cold.
- d) All magazines, newspapers and other waste paper, including cardboard and cartons, shall be securely tied in solid compact bundles, the maximum dimensions

of which shall not exceed 60 x 60 x 90 centimetres (24 x 24 x 35 inches) and the gross weight of which shall not exceed 25 kilograms (55 pounds).

- e) Boughs, twigs, cuttings, or other similar material shall be in securely tied bundles which do not exceed 1.0m (40 inches) length and do not weigh more than 25.0 kilograms (55 pounds). Christmas trees are to be placed at the curb for collection.
- f) The total weight of any full container shall not exceed 25 kilograms (55 pounds).
- g) Garbage, other than bundles, shall be in securely covered receptacles unmixed with any liquid and all meats, fish, fruit, vegetables and other waste liable to attract animals, vermin and flies, shall be drained of liquids and securely wrapped and tied.
- h) The amount of garbage and/or refuse collected from any premises shall not exceed either of six waste receptacles, six plastic bags, six bundles or 0.40 cubic metres per dwelling for a premise containing one (1) dwelling and up to and including two (2) dwellings and the gross weight of each waste receptacle, shall not exceed 25 kilograms (55 pounds).

#### 7.0 DISPOSAL OF NON-COLLECTABLE WASTE

- a) The Occupant shall be responsible for the disposal of non-collectible waste in accordance with Provincial regulations made under the Environmental Protection Act.

#### 8.0 CONVEYANCE OF WASTE

- a) No person shall remove or convey, or cause or permit to be removed or conveyed, any waste, non-collectible material, or liquid material upon or along any public street or any other public place within the Garden River Indian Reserve # 14 except in vehicles with properly covered, leak-proof containers or property covered with tarpaulins or canvas, so fastened down around the edges as to prevent any of the contents falling therefrom.

9.0 DISPOSITION OF INOPERABLE VEHICLES

- a) Inoperable vehicles shall not be permanently stored or abandoned on lands within the Garden River First Reserve # 14.
- b) No person shall temporarily store or retain inoperable or derelict vehicles without a valid permit issued by the Director of Operations. Permits shall have a term of two (2) years and shall be renewable for a period of three (3) terms upon request by the applicant.
- c) Inoperable vehicles shall be drained of all fuels, lubricating fluids, coolants and air conditioning refrigerants in an environmentally acceptable manner prior to storage.
- d) Inoperable vehicles shall be stored in a manner such that they are not visible from public roads, public areas and neighbouring properties, and do not present unsightly conditions. Visual screening appropriate to the nature of adjacent areas shall be provided to minimize the visual impact of nuisances to persons at grade level. Visual screening shall include:
  - i) strategic placement of said vehicles on a property so as to prevent visibly adjacent areas;
  - ii) hedges, plantings, trees or other landscaping maintained in living condition and with sufficient density to present an attractive appearance;
  - iii) the construction of structurally sound fencing of a sufficient height and density to achieve visual screening, maintained in good repair and attractive appearance;
  - iv) other means as approved by Director of Operations.
- e) When no longer of use, temporarily stored vehicles shall be removed from urban areas. Disposal of said vehicles shall include:
  - i) removal from the Garden River Indian Reserve # 14.
  - ii) transfer to another location on the Reserve in conformity with permit requirements and all other provisions of this By-law;

- iii) convenience to a designated scrap metal storage area within an on-reserve landfill site as approved by the Garden River First Nation.

10. IMPORTATION OF WASTE MATERIALS

- a) No person shall import garbage, waste or other refuse onto the Garden River Indian Reserve for disposal on lands owned by the Garden River First Nation;
- b) No person shall import fill or soil materials to the Garden River Indian Reserve without prior written approval of the Director of Operations. Approval for such materials may require laboratory analyses to ensure that deleterious substances are absent. Parameters considered for laboratory analysis shall be submitted to and approved by the Director of Operations prior to testing. Analysis requirements shall be at the discretion of the Director of Operations.

11. PENALTIES

- a) Any person convicted of a breach of any of the provisions of this by-law shall be subject to a penalty not exceeding \$1000.00 or to imprisonment for a period not exceeding 30 days for each offence.

12. This By-law comes into force on

PASSED in open council this 3rd day  
of Sept., 1996.

Dennis Jones  
Chief

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Councillor

Clare Lynn Bell  
Councillor

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Arvid Solman  
Councillor

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Councillor

Blair Bell  
Councillor

Lois Anger  
Councillor

Ben Samson  
Councillor

Tyrene Suter  
Councillor