

BY-LAW NO. 98.04.01
Of the Black Lake Denesuline Nation
By-law for Disposal of Garbage on the Reserve

WHEREAS the Council of the Black Lake First Nation desires to make a by-law for the collection, disposal, and burning of garbage on the Black Lake First Nation Reserve; with respect to any matter arising out of or ancillary to exercise of powers under Section 81, and the imposition of a penalty for the violation thereof;

AND WHEREAS the Council of the Black Lake Indian Band is empowered to make such by-law pursuant to paragraphs 81(1)(a), (d), (q), and (r) of the Indian Act;

AND WHEREAS it is considered necessary to provide for such regulation on the Reserve for the health and safety of the inhabitants, the prevention of diseases and nuisances and for the overall appearance of the Reserve;

NOW THEREFORE the Council of the Black Lake First Nation hereby makes the following by-law:

Short Title

1. This By-law may be cited as the Black Lake First Nation Garbage Collection and Disposal By-law⁷.

Interpretation

2. In this By-law,

"Approved enclosure" means a type of enclosure designed for the storage of containers between collection times that prevents access to the garbage by domestic animals and wildlife and the design and construction of which has been approved by the Sanitation Administrator;

"Business" includes any trade, industry, employment or activity carried on for the gain or profit on the Reserve;

"Collection" means the removal of garbage from a premises to a disposal location whether such removal is effected by the Sanitation Administrator or a contractor under public or private contract, or an owner;

"Container" means a type of garbage container listed in Schedule I that has been designated by the Sanitation Administrator of the reserve as being acceptable for use in the reserve or at specific location on the reserve;

"Council" means the Council of the Black Lake First Nation;

"Permit" means a permit issued pursuant to this bylaw permitting the owner to burn garbage on the reserve.

"Garbage" means any kind of waste including:

- (a) animal wastes, being animal offal such as carcass waste and entrails and other materials obtained from kennels, holding pens and other such premises,
- (b) bulky wastes, being large items of refuse including appliances, furniture, vehicle parts under 35 kg, large containers and tree cuttings not exceeding 1 m in length or 10 cm in diameter, in bundles not exceeding 35 kg,
- (c) construction and demolition wastes, being waste building materials and rubble resulting from construction, repair, remodeling or demolition activities,
- (d) liquid waste, being waste materials or substances that have sufficient moisture or other liquids contents to be free flowing but that are not suitable for disposal through a sewer system,
- (e) rubbish, being
 - (i) combustibles, consisting of burnable material such as paper, rags, cartons, boxes, wood excelsior, bedding, rubber, leather, and plastics, and
 - (ii) non-combustibles, consisting of materials that are not burnable such as metal objects and containers, ceramics, metal foils and glass,
- (f) solid wastes, being the useless, unwanted, or discarded solid waste materials resulting from normal human activities including semi-liquid or wet wastes with insufficient liquid content to be free flowing,
- (g) special wastes, being
 - (i) hazardous wastes, consisting of any waste that may present a hazard to persons, flora, fauna, or reserve lands, including wastes of a pathological, an explosive, a highly flammable, a radioactive, or a toxic nature,

- (ii) sanitary wastes, consisting of any putrescible waste that is capable of producing conditions that may present a hazard to health,
 - (iii) natural waste, consisting of tree stumps, soil, sand and stone, and
 - (iv) other special wastes, consisting of material so classified by the Sanitation Administrator,
- (h) trade waste, being petroleum products, scrap metal, machinery and vehicles and parts thereof, and
- (i) yard rubbish, being pruning, grass clippings, weeds, leaves, and general garden wastes, other than solid wastes;

"Owner" means any person, firm, Black Lake First Nation Band, or corporation who has possession of land or a building on the reserve;

"Reserve" means the reserve of the Black Lake First Nation and includes the Band's Reserves No. 224, No. 225, and No. 226;

"Street" means that portion of any thoroughfare, road, lane, avenue, parkway, viaduct, alley, square, bridge, causeway, trestle way or other place, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of motor vehicles but does not include sidewalks, ditches or rights-of-way adjacent to a roadway;

"Sanitation Administrator" means the Sanitation Administrator of the Reserve duly appointed by the Council under this by-law to enforce and carry out the provisions of this by-law;

Schedules

3. The following Schedules form part of this by-law:

- Schedule I - Types of Garbage Containers
- Schedule II - Collection Service Fees
- Schedule III - Burning Permit

Sanitation Administrator

- 4. (1)** The Council may, by Band Council Resolution, appoint one or more Sanitation Administrators, who shall be responsible for the administration and enforcement of this by-law.

- (2)** The Council may, in the Band Council Resolution, provide for reasonable remuneration to be paid to a Sanitation Administrator.

Powers and Duties of the Sanitation Administrator

- 5. (1)** A Sanitation Administrator shall
 - (a)** answer such questions as relate to the administration of this by-law; and
 - (b)** perform such other duties as may be assigned by the Council from time to time.

- (2)** A Sanitation Administrator may order
 - (a)** a person who contravenes this by-law or other applicable by-law to comply the by-law within a specified time period;
 - (b)** the termination of any activity or part thereof, if the activity is proceeding in contravention of this by-law or any other applicable by-law;
 - (c)** the termination of any activity or part thereof, where there are unsafe or unsanitary conditions present;
 - (d)** the correction of any unsafe or unsanitary condition;
 - (e)** the removal of any garbage or part thereof disposed of in contravention of this by-law or other applicable by-law; and
 - (f)** the termination of any disposal if any unsafe or unsanitary condition exists.

- (3)** The Sanitation Administrator may direct that sufficient evidence or proof be submitted at the expense of the owner to determine whether any method of disposal or container meets the requirements of this by-law.

- (4)** When due notice to correct unsafe conditions or activities has not been complied with, the Sanitation Administrator may make correct such condition at the expense of the owner.

Collection of Garbage

- 6. (1)** The Council may provide for the collection of garbage by a garbage collector in such areas of the Reserve and at such times as it deems advisable.
- (2)** Every owner for whose premises a collection service is provided shall pay for such disposal in accordance with the provisions of Schedule II and at such times as the Council or the Sanitation Administrator may designate.

Duties of an Owner

- 7.** Every owner shall
 - (a)** provide and maintain in a serviceable and sanitary condition a sufficient number of containers to hold all garbage accumulated on his premises at any time;
 - (b)** subject to paragraphs (h), (i), and (k), ensure that all garbage is placed, and remains, in containers that are of a type set out in column I of an item of Schedule I and that meet the specifications set out in column II of that item;
 - (c)** drain and wrap all wet garbage before placing it in a container;
 - (d)** ensure that containers are set out for collection at such places and times and in such manner as the Sanitation Administrator may designate;
 - (e)** remove all containers from their designated collection on any street within such period as may be specified by the Sanitation Administrator;
 - (f)** ensure that all rigid metal containers, wood containers, and disposable plastic bag type containers are securely closed when set out for collection;
 - (g)** store garbage between collection times in approved enclosures except when the Sanitation Administrator allows the use of steel refuse containers without an enclosure;
 - (h)** securely tie in bundles any combustible rubbish set out for collection in accordance with any instructions of the Sanitation Administrator;
 - (i)** prepare yard rubbish for collection in accordance with any instructions of the Sanitation Administrator;

- (j) extinguish all ashes or coals before setting them out for collection;
- (k) ensure that bulky wastes are not set out for collection at such times as may be determined by the Sanitation Administrator;
- (l) ensure that liquid wastes, trade wastes, special wastes, animal and agricultural wastes, and construction and demolition wastes are not set out for collection except at such times as may be determined by the Sanitation Administrator; and
- (m) keep the streets, sidewalks, and boulevard abutting, in front of, flanking and at the rear of the owner's premises, free of garbage.

Burning

Open Air Burning

8. (1) Except as hereinafter provided, no person shall light, ignite, or start, or allow, or cause to be lighted, ignited, or started, a fire of any kind whatsoever in the open air.
- (2) Sanitation Administrator may issue a permit for open air burning of garbage.
- (3) Materials resulting from demolition may be only burned on site with a burning permit.
- (4) Every person to whom a permit has been issued under Schedule III shall place and keep a competent person at all times in charge of such fire while the same is burning or smouldering and until such fire is completely extinguished. Shall provide that person with sufficient appliances and equipment in order to prevent the fire from getting beyond control or causing damage or becoming dangerous to life and property. These fires shall not be started when wind and weather conditions are such that to do so is likely to be hazardous or create a nuisance.
- (5) Sanitation Administrator may refuse to issue or may cancel a burning permit, having regard to all the prevailing circumstances, would likely be hazardous or create a nuisance.

Requirements of Permit

9. (1) No person shall undertake the burning of garbage on the Reserve unless he/she holds a valid burning permit issued by the Sanitation Administrator.
- (2) No person shall undertake the burning of materials resulting from demolition on the Reserve unless he/she holds a valid burning permit issued by the Sanitation Administrator.

Conditions of Permit

10. (1) It is a term and condition of every permit issued under this by-law that the permit holder is responsible for any damages caused to public or private property while undertaking burning authorized under the permit.
- (2) It is a term and condition of every permit issued under this by-law that the permit shall be posted in a conspicuous place on the premises for which it is issued.

Application for Permit

11. No person shall undertake burning of garbage or authorize or allow to burn garbage on the Reserve unless the owner holds a valid burning permit issued by the Sanitation Administrator.

Permit Fees

12. (1) Fees for burning permit:
 - (a) residential burning - five (\$5.00) dollars.
 - (b) industrial or commercial burning - fifteen (\$15.00) dollars.
- (2) In the event that an extension of the period set out in a permit is required for burning which has not be reached final completion; the fee for such extension shall be twenty-five (25%) percent of the original permit.

Escape of Garbage from Vehicles

13. (1) No person shall convey or cause to be conveyed any garbage in a vehicle that is not properly constructed and covered so as to prevent the contents thereof from escaping.

- (2) In the event of an escape of garbage from any vehicle the owner of the vehicle shall be responsible for immediate clean-up.

Yard Rubbish

14. (1) Subject to subsection (2), no person shall deposit any yard rubbish on a sidewalk, ditch, or a street.
- (2) Where the Sanitation Administrator has made an arrangement for the collection of yard rubbish on a sidewalk, ditch, or a street on a day specified by the Sanitation Administrator, a person may deposit yard rubbish on that sidewalk, ditch, or street on that day if the yard rubbish does not impede pedestrian or vehicular traffic.

Disposal of Garbage

15. No person shall discard or dispose of or deposit garbage anywhere on the Reserve except in such places and at such times and under such conditions as the Sanitation Administrator may authorized.

Garbage on Premises

16. No owner shall accumulate or allow to accumulate any garbage on his/her premises.
17. No person shall undertake disposal of any garbage or authorized or allow disposal of any garbage on the Reserve.

Offences

18. (1) A person who
- (a) fails or refuses to comply with any provision of this by-law;
 - (b) submits false or misleading information to a Sanitation Administrator; or
 - (c) interferes with or obstructs a Sanitation Administrator acting in the administration or enforcement of this by-law,
- commits an offence.

- (2) Where an act or omission in contravention of this by-law continues for more than one (1) day, such act or omission shall be deemed to be a separate offence committed on each day during which it continues, and may be punished as such.

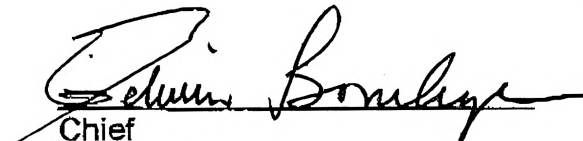
Penalty

19. Person who commits an offence under this by-law is liable on summary conviction to a fine not exceeding one thousand (\$1000.00) dollars or to imprisonment for a term not exceeding thirty (30) days, or to both.

Further Remedies Available

20. (1) Where this by-law is contravened and conviction entered, in addition to any other remedy and to any other penalty imposed by this by-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.
- (2) Where this by-law is contravened, in addition to any other remedy and to any penalty imposed by the by-law, such contravention may be restrained by court action at the instance of the Council.

I, Edwin Boneleye Chief of the Indian Band, so hereby certify that a true copy of the foregoing bylaw was mailed to the Minister of Indian Affairs and Northern Development at the District/Region/Hull offices (as the case may be) pursuant of subsection 82(1) of the Indian Act, this 31 day of JANUARY, ~~1999~~ 2000


Chief


Witness

SCHEDULE I

Column I**Column II**

Type of Garage Container**Specifications**

- | | |
|----------------------------|--|
| 1. Wood | 1.5 meters maximum height;
5.0 meters maximum diameter;
1500 Litre maximum capacity;
35 kg maximum weight when full;
tight fitting cover. |
| 2. Rigid metal or plastic | 70 cm maximum height;
45 mm maximum diameter;
25 Litre maximum capacity;
35 kg maximum weight when full;
Tight fitting, waterproof cover;
two (2) carrying handles
permanently affixed to the sides. |
| 3. Steel refuse containers | Well fitting and easily operated
covers; painted outside; proper
brackets for disposal vehicle
attachments; free from cracks or
major dents; proper base stands
or wheels; of a size approved by
the Sanitation Administrator. |
| 4. Disposal Plastic Bags | Close fitting, waterproof,
thickness of 3/1000 inches
(.0762 mm); maximum width of
70 cm; maximum height 100 cm;
maximum weight when full, 25
kg; free from holes, tears or other
damages. |

SCHEDULE II

An owner shall pay the following for a collection service provided by the Black Lake First Nation Band for under the authority of this by-law:

- Thirteen (\$13.00) dollars per month - residential
- Twenty-five (\$25.00) dollars per month industrial/commercial

**SCHEDULE III
BURNING PERMIT**

PERMIT NUMBER: _____

Issued Date: _____

Expired Date: _____

Name: _____

Location of Residence/Industrial/Commercial:

Type of Burning: Residential/Industrial/Commercial

Amount of Fee:

**Residential - Five (\$5.00) dollars
Industrial/Commercial - fifteen (\$15.00) dollars**

Amount Received: _____

Conditions of Permit:

- 1. This permit authorizes the owner to burn garbage or materials as specified in the Disposal of Garbage Band By-law Number 98.04.01**
- 2. The permit holder shall be responsible for any damages caused to public or private property while undertaking burning authorized under this permit.**
- 3. This permit shall be posted in a conspicuous place on the premises for which it is issued.**

Date

Sanitation Administrator