

COMMUNITY HEALTH BY-LAW  
FOR LAKE HELEN RESERVE 53A

THE RED ROCK BAND OF INDIANS

BY-LAW #14

Being a by-law respecting the health of residents on the Reserve, including the lands leased on the Reserve, and to prevent the spreading of contagious and infectious diseases.

WHEREAS paragraphs (a) and (r) of section 81 of the Indian Act empower the council of an Indian Band to make by-laws respecting the health of residents and to prevent the spreading of contagious and infectious diseases, and to impose a penalty for the violation thereof;

AND WHEREAS it is deemed to be expedient for the welfare of the inhabitants of the Lake Helen Reserve, 53A, to pass a by-law respecting community health;

NOW THEREFORE the council of the Red Rock Band of Indians enacts as a by-law the following:

DEFINITIONS:

1. In this by-law:

- (a) "Council" means the Council as defined in the Indian Act, of the Red Road Band of Indians;
- (b) "Reserve" means the tract of land set apart by Her Majesty within the definition of the Indian Act, for the use and benefit of the Red Rock Band of Indians known as the Lake Helen Reserve;
- (c) "road" includes any road, bridge, driveway, street, lane, square, highway, avenue, parkway, ditch, trestle, thoroughfare or other place set aside for, used, or open to the public for the passage of vehicles within the reserve;
- (d) "By-Law Officer" means the person appointed by the Chief and Council pursuant to section 4 and the Red Rock Band of Indians -- By-Law number ..14.....;
- (e) "Health Officer" means the Zone Director of the Department of National Health & Welfare or his representative;
- (f) "nuisance" is deemed any condition existing within the reserve that is or may become injurious or dangerous to health or that prevents or hinders or may prevent or hinder in any manner the suppression of disease:

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- (g) "Contaminant" means any solid, liquid, gas, odour, heat sound, vibration, radiation or combination of any of them resulting directly or indirectly from the activities of man which may
  - (i) cause harm to or adversely affect the health of any resident on the Reserve;
  - (ii) render any property or any plant or animal life injurious or dangerous to the health of any resident on the Reserve;
- (h) "natural environment" means the air, land and water or any combination or part thereof, of the Reserve.

DEFINITION OF NUISANCES:

- 2. Without restricting the general application of section 1 (f) and for greater particularity and in the opinion of the By-Law Officer,
  - (a) any premises or part thereof so constructed or in such a state as to be injurious or dangerous to the health of any resident on the Reserve;
  - (b) any road, pool, ditch, culvert, water course, sink, cess-pool, urinal, septic tank system, sewage holding tank, drain, dung pit, or ash pit, so foul or in such a state or so situated as to be injurious or dangerous to the health of any resident on the Reserve;
  - (c) any well, spring or other water supply that is injurious or dangerous to the health of any resident on the Reserve;
  - (d) any accumulation or deposit of refuse or offensive matter wherever situated that is injurious or dangerous to the health of any resident on the Reserve;
  - (e) any house or part of a house so overcrowded as to be injurious or dangerous to the health of any resident on the Reserve;
  - (f) any work, manufactory, trade or business so existing as to be injurious or dangerous to the health of any resident on the Reserve;
  - (g) any chimney emitting smoke particles of such type and or in such quantity as to be actually or potentially injurious or dangerous to the health of any resident on the Reserve; and

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- (h) any burial ground, cemetery or other place of sepulture so located or so crowded or otherwise so arranged or managed as to be offensive or injurious or dangerous to the health of any resident of the Reserve;

shall be deemed nuisances within the meaning of this By-Law.

HEALTH AGENCY:

- 3. For the purpose of this by-law a Health Officer of the Department of National Health and Welfare shall have all the powers of a By-Law Officer unless otherwise ordered by the Chief and Council.

APPOINTMENT OF BY-LAW OFFICER:

- 4. The Chief and Council may appoint a By-Law Officer for the Reserve.
- 5. The Band Constable or Band Administrator or such other person as appointed by the Chief and Council shall
  - (a) Until the Chief and Council has appointed a By-Law Officer and
  - (b) during any other period in which the office of By-Law Officer is vacant, for reasons of health or other reasons, unable to fulfill his duties, occupy the position of By-Law Officer.

APPLICATION:

- 6. This by-law applies
  - (a) to every person within the confines of the Reserve; and
  - (b) to every installation, building, place or thing constructed, made, set up or established within the confines of the Reserve or the lands leased by the Red Rock Band.

GENERAL:

- 7. No person shall transfer or set up on the Reserve or any land leased by the Reserve any building or structure or any part of a building or structure that has been condemned, for any reason, for use or habitation elsewhere.
- 8. No person shall allow the accumulation upon his premises, or deposit or permit the deposit upon any land belonging to him, of anything that may endanger the health of any resident of the reserve, or deposit upon or into the premises any sewage, manure, or other refuse, or vegetable or animal matter or other substance capable of endangering the health of any resident on the reserve unless such sewage, manure or other refuse, vegetable or animal matter or other substance is

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handled or treated in such a manner as does not constitute a health hazard to any resident on the reserve.

- 9. No person shall deposit, add, emit or discharge a contaminant cause or permit the deposit, addition, emission or discharge of a contaminant into the natural environment,
- 10. All premises shall be maintained in a clean and sanitary condition,

POWERS OF BY-LAW OFFICER:

- 11. The By-Law Officer may enter, inspect and examine, at any reasonable time of the day, as often as he thinks necessary, any premises on the Reserve for the purpose of carrying out the by-law and any person in charge of such premises for the time being shall render such aid to the By-Law Officer or other person as is necessary to make such inspection or examination.
- 12. If upon such entry, inspection and examination, as provided for in section 11 hereinabove, the By-Law Officer finds any premises in such condition as to be in contravention of any of the provisions of this by-law, he may give to the owner or occupant of said premises a verbal direction or written order to remedy such contravention within a reasonable period of time.
- 13. (a) Where the owner or occupier of any premises, in such condition as to be in contravention of any of the provisions of this by-law fails to comply, within a reasonable time with a written order of the By-Law Officer, to remedy such contravention, the By-Law Officer may enter the premises and take such steps as may be necessary to remedy such contravention;  
(b) All reasonable costs and expenses incurred in remedying such contravention shall be deemed to be money paid for the use and at the request of the person by whose act, default, or sufferance such contravention was caused, and are recoverable from the owner or occupier for the time being of the premises;  
(c) If the costs and expenses incurred in remedying the contravention are not paid by the owner or occupier within one month after demand of payment, a statement of the amount of the costs and expenses and of the person by whom and the premises in respect of which they are payable shall be delivered to the Band administrator who shall insert the amount in the Band books, and such amount may be collected in like manner as lease or rent payments or by such other arrangement as deemed necessary by the Chief and Council,

SANITARY FACILITIES AND LAND DRAINAGE:

14. No cesspool, septic tank system holding tank system, oxidation pond, sewage lagoon, soil absorption system, privy or privately owned sewage treatment plant into which human, animal or other wastes are discharged shall be established or altered until the approval in writing of a Health Officer is obtained,
15. Every owner of a building used for human habitation shall provide on the premises adequate toilet facilities to the satisfaction of a Health Officer,
16. The drain of every house shall be,
  - (a) connected to an approved sewer or septic tank system or holding tank system, or other sewage disposal system approved by a Health Officer,
  - (b) ventilated by means of a ventilating pipe that,
    - (i) extends above the roof of a house and opens at a point sufficiently remote from any window, door, skylight, chimney or other opening into a house so that the gases from the ventilating pipe cannot enter the house, and
  - (c) constructed and installed in a sanitary manner and made of suitable material, according to the National Building Code Standards,
17. The waste pipe from a water closet, sink, wash basin, bathtub, shower or other fixture shall be constructed of a suitable material and installed with tight joints in a sanitary manner.
18. A plumbing system shall be designed, constructed and installed so that no air or gas from the system can escape into a building.
19. Every householder shall provide and maintain in a sanitary condition for the members of the household adequate facilities for ablution and a sufficient supply of potable water for drinking and sanitary purposes,
20. Every householder or owner of any premises shall be responsible for keeping the drainage ditches or culverts in and around his property free of any debris which could impede or otherwise block the natural flow of surface water through the drainage ditches or culverts,

POTABLE WATER SYSTEM:

21. No connection shall be made in a potable water system whereby any foreign matter or non-potable water can enter the potable water system and the potable water system shall be separated and independent of a supply system for non-potable water,

22. Every well shall be
- (a) located at least 100 feet distant from any source of pollution and where possible on higher ground;
  - (b) protected from contamination from surface water and from ground water infiltration to a depth of 10 feet; and
  - (c) provided with a suitable cover to keep out foreign matter, animals or vermin,

REFUSE DISPOSAL:

23. Every householder or other person shall dispose of all refuse, for the disposal of which he is responsible, by placing it in a water tight and fly-proof receptacle, the contents of which shall be regularly removed and disposed of at least once per week or to the satisfaction of a By-Law Officer,
24. Every waste disposal ground shall be regularly maintained, and
- (a) located at least 100 yards from any public road allowance, railway, right of way, cemetery, highway or thorough-fare;
  - (b) located at least 500 yards from any building used for human occupancy or for the storage of food, and
  - (c) situated at such a distance from any source of water or ice for human consumption or ablution or water or ice used for any other purpose, that no pollution takes place,
25. No premises shall be built on any site, the soil of which has been made up of any refuse unless the written approval of a Health Officer is obtained,

ORDERS AND PENALTIES:

26. All orders issued by a By-Law Officer shall be in writing and a copy of each order shall be given to the Chief and Council and the Health Officer forthwith, and copies of all correspondence related to this by-law shall be given to the Chief and Council and the Health Officer forthwith, The By-Law Officer shall also report to the Council any other particulars relating to this by-law,
27. Any person who contravenes any provision of this by-law, or who wilfully disobeys or neglects to carry out an order or direction lawfully given by a By-Law Officer, unless otherwise provided, is guilty of an offence and on summary conviction is liable to a fine not exceeding \$100.00 or imprisonment for a term not exceeding thirty days, or both fine and imprisonment under authority of the Minister of Indian Affairs and Northern Development under section 81 (r) of the Indian Act,

Approved and passed at a duly convened meeting of the Council of the Red Rock Band of Indians this ....14.....day of....June.....,1978.

CHIEF Marvin Wawia

COUNCILLOR Clayton Wawia

COUNCILLOR \_\_\_\_\_

COUNCILLOR Irvin Potan

COUNCILLOR \_\_\_\_\_

I, .....Marvin.Wawia....., Chief of the Red Rock Band of Indians certify that a true copy of the forgoing by-law #...14.... was forwarded to the Minister of Indian Affairs and Northern Development pursuant to section 81, ss (i) of the Indian Act, this .14..day of.....June....., 1978.

CHIEF Marvin Wawia

WITNESS Sylvia Stuart