

THE KIPAWA BAND OF INDIANS

BY-LAW 1.72

SOR 177-605
effective July 25, 1971

BEING A BY-LAW TO PROVIDE FOR THE DISPOSAL OF GARBAGE AND WASTE.

WHEREAS PARAGRAPHS A) AND R) OF SECTION 81 OF THE INDIAN ACT EMPOWER THE COUNCIL OF A BAND TO MAKE BY-LAWS RESPECTING THE DISPOSAL OF GARBAGE AND WASTE AND THE IMPOSITION OF A PENALTY FOR THE VIOLATION THEREOF:

WHEREAS IT IS DEEMED TO BE EXPEDIENT TO PROTECT THE HEALTH AND TO PREVENT THE SPREADING OF CONTAGIOUS AND INFECTIONS DISEASES OF THE INHABITANTS OF THE KIPAWA RESERVE:

NOW THEREFORE THE COUNCIL OF THE KIPAWA BAND OF INDIAN ENACTS AS A BY-LAW THEREOF THE FOLLOWING:

I. IN THIS BY-LAW,

- A) "COUNCIL" MEANS THE COUNCIL AS DEFINED IN THE INDIAN ACT OF THE KIPAWA BAND OF INDIANS;
- B) "RESERVE" MEANS THE TRACK OF LAND SET APART BY HER MAJESTY WITHIN THE DEFINITION ON THE INDIAN ACT, FOR THE USE AND BENEFIT OF THE KIPAWA BAND OF INDIANS.
- C) "GARBAGE" MEANS ANY REFUSE, ACCUMULATION OF ANIMAL, FRUIT, OR VEGETABLE MATTER, LIQUID OR OTHERWISE, WHICH ATTENDS THE PREPARATION, USE, COOKING, DEALING IN OR STORAGE OF MEAT, FISH, FOWL, FRUIT OR VEGETABLES;
- D) "ASHES" MEANS THE RESIDUE FROM FIRES USED FOR COOKING OR HEATING;
- E) "COMBUSTIBLE MATERIAL" INCLUDES PAPER AND PAPER PRODUCTS, BOTTLES AND CANS;
- F) "INCOMBUSTIBLE MATERIAL" MEANS METALS, DIRT AND SIMILAR RUBBISH WHICH CANNOT BE BURNED;
- G) "GARDEN REFUSE AND WASTE" MEANS WASTE MATTER FROM GARDENS, CONSISTING OF DEAD BRANCHES, BUSHES, WEEDS, PLANTS STONES AND SIMILAR MATERIALS;
- H) "HOUSING UNIT" MEANS A PLACE OF DWELLING, BUT DOES NOT INCLUDE BUSINESS OR COMMERCIAL ACCOMODATION OR A HOTEL ROOM;

- 1) "SHARED ACCOMODATION" MEANS ANY ROOM OR ROOMS FORMING PART OF THE RESIDENCE OF A LANDLORD, OR HIS AGENT, AND OF WHICH THE ENTRANCE AND ANY FACILITIES ARE USED IN COMMON BY THE LANDLORD OR HIS AGENT, AND THE OCCUPANT AND OCCUPANTS OF THE ROOM OR ROOMS.

2. RECEPTACLES FOR GARBAGE AND COMBUSTIBLE MATERIAL

- A) THE OCCUPANT OF EVERY HOUSING UNIT AND THE LANDLORD ACCOMODATION IN THE RESERVE SHALL PROVIDE SUFFICIENT AND ADEQUATE RECEPTACLE FOR GARBAGE AND COMBUSTIBLE MATERIAL.
- B) GARBAGE RECEPTACLES SHALL BE WATER-TIGHT AND SHALL BE MADE OF METAL OR PLASTIC AND EQUIPPED WITH HANDLES AND COVERS WHICH FIR TIGHTLY.

3. COLLECTION OF GARBAGE

- A) THE COUNCIL OF THE KIPAWA BAND OF INDIANS MAY ENTER INTO AN AGREEMENT WITH ANY PERSON, HEREIN REFERRED TO AS THE GARBAGE COLLECTOR, FOR THE COLLECTION OF GARBAGE AND COMBUSTIBLE MATERIAL UNDER THE PROVISIONS OF THIS BY-LAW AND MAY FROM TIME TO TIME DEFINE HIS DUTIES.
- B) THE GARBAGE COLLECTOR SHALL MAKE A COLLECTION ON TUESDAY AND FRIDAY OF EACH WEEK FROM OCCUPANTS OF HOUSING UNITS PROVIDED BY A LIST BY THE KIPAWA BAND COUNCIL.
- C) THE GARBAGE COLLECTOR SHALL COMMENCE THE COLLECTION OF GARBAGE AND COMBUSTIBLE MATERIAL NOT LATER THAN EIGHT O'CLOCK IN THE FORENOO AND SHALL COLLECT ALL GARBAGE AND COMBUSTIBLE MATERIAL PLACED FOR COLLECTION AS IN THIS BY-LAW PRESCRIBED;
- D) WASTE MATERIAL AND RUBBISH LEFT ON PREMISES FOLLOWING THE CONSTRUCTION, ALTERATION, DEMOLITION OR REPAIR OF A BUILDING OR ERRECTION SHALL BE REMOVED AND DISPOSED OF BY THE OWNER OF SUCH PREMISES AS PROMPLY AS POSSIBLE AND AT HIS OWN EXPENSES;
- E) ALL MATERIAL MUST BE DEPOSITED INSIDE THE PERIMETER OF THE DUMP AREA SET ASIDE FOR THIS SPECIFIC PURPOSE.

4. PUBLIC HEALTH NOTIFICATIONS

- A) NO PERSON SHALL ACCUMULATE OR PERMIT TO BE ACCUMULATED UPON LANDS IN HIS POSSESSION OR DEPOSIT OR ACCUMULATE ON THE LANDS IN POSSESSION OF ANOTHER PERSON ANYTHING WHICH IS OR MAY BECOME OFFENSIVE OR INJURIOUS TO HEALTH;

- B) NO PERSON SHALL DEPOSIT ANY DEAD ANIMAL, OFFAL, FISH, MANURE, GARBAGE, VEGETABLES, NIGHT-SOIL, LIQUID WASTE OR ANYTHING OF A NATURE WHICH IS OR MAY BECOME OFFENSIVE OR PREJUDICIAL TO HEALTH UPON OR INTO ANY HIGHWAY, STREET, ROAD, ALLEY, LANE, LOT, DITCH, WHARF, DOCK, LAKE POND, RIVER, STREAM, WELL OR SEWER, OR INTO ANY LAND OR PREMISES WITHIN THE RESERVE AND ANY SUCH DEPOSIT SHALL BE DEEMED A NUISANCE, PROVIDED HOWEVER THAT THE PROVISIONS OF THIS PARAGRAPH SHALL NOT APPLY TO THE DEPOSIT AND PROPER DISPOSAL OF ANY SUCH MATERIAL INTO OR AT A PLACE WITHIN THE RESERVE APPROVED BY THE COUNCIL FOR THAT PURPOSE:
- C) THE COUNCIL MAY ARRANGE FOR THE REGULAR REMOVAL OF GARBAGE AND WASTE FROM ANY PREMISES WITHIN THE RESERVE.
- D) IN THE SPRING OF EACH YEAR AS SOON AS THE MELTING OF SNOW PERMITS THE PERSON IN POSSESSION OF ANY PREMISES WITHIN THE RESERVE SHALL COLLECT ALL WASTE MATTER LYING THEREON INCLUDING TIN CANS, BOTTLES, PAPERS AND ANIMAL MANURES;
- E) ALL SUCH WASTE MATTER SHALL BE DISPOSED OF IN SUCH A MANNER AS WILL PREVENT ANY NUISANCE OF OFFENCE AS THE FOULING OF WELLS AND WATER SUPPLY:

5. MONTHLY RATES COLLECTION

EFFECTIVE AT THE DATE THAT THIS BY-LAW WILL BE APPROVED BY THE MINISTER, THE KIPAWA BAND COUNCIL SHALL LEVY AND RAISE A SUFFICIENT SUM TO DEFRAY THE EXPENSES OF COLLECTION, REMOVAL AND DISPOSAL OF ALL ASHES, GARBAGE AND OTHER REFUSE WITHIN THE RESERVE AT THE FOLLOWING RATES:

- A) TWICE WEEKLY COLLECTION - RESIDENTIAL HOUSING UNITS
FOR EVERY HEAD OF HOUSEHOLD - 1.00 PER WEEK
- B) TWICE WEEKLY COLLECTION - COMMERCIAL UNITS
FOR EACH COMMERCIAL UNIT - 2.00 PER WEEK

6. MONTHLY RATES PAYMENTS

THE MONTHLY RATES ESTABLISHED ABOVE WILL BE PAYABLE TO THE BAND OFFICE NOT LATER THAN THE 1ST WORKING DAY OF EACH MONTH.

7. PENALTY

ANY PERSON WHO VIOLATES ANY OF THE PROVISIONS OF THIS BY-LAW SHALL BE GUILTY OF AN OFFENCE, AND SHALL BE LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 25.00 OR IMPRISONMENT FOR A TERM NOT EXCEEDING 1 WEEK OR BOTH FINE AND IMPRISONMENT.

APPROVED AND PASSED AT A DULY CONVENED MEETING OF THE COUNCIL OF THE KIPAWA BAND OF INDIANS THIS 15th DAY OF June 1977

Michel (Mike) McKenzie
CHIEF

Russell Chevrier
COUNCILLOR

COUNCILLOR

I, ...Michel (Mike) McKenzie., CHIEF OF THE Kipawa..... BAND OF INDIANS, DO HEREBY CERTIFY THAT A TRUE COPY OF THE FOREGOING BY-LAW WAS FORWARDED TO THE MINISTER OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT PURSUANT TO SECTION 82, SS (1) OF THE INDIAN ACT THIS 16th.... DAY OF June....., 19 77..

Albert Lalonde
WITNESS

Michel (Mike) McKenzie
CHIEF