

BY-LAW No 19 98, 01
of the CURVE LAKE FIRST NATION
A WASTE MANAGEMENT BY-LAW

WHEREAS the Council of Curve Lake First Nation desires to make a by-law governing the collection and disposal of garbage within Curve Lake First Nation;

AND WHEREAS the Council of Curve Lake First Nation is empowered to make such a by-law pursuant to Section 81, paragraphs (1) (a), (d), (q), and (r) of the Indian Act; (R.S.C. 1985, c.15) and any matter arising out of or ancillary to the exercise of powers under section 81, and the imposition of a penalty for the violation thereof;

AND WHEREAS Curve Lake First Nation did enact by-law No. 1976-2 on the 11th day of September, 1976 for the designation of an area for garbage and waste disposal;

AND WHEREAS this by-law is necessary to ensure the health and safety of the inhabitants of Curve Lake First Nation, to prevent disease, nuisances, and for the overall appearance of the First Nation;

AND WHEREAS Curve Lake First Nation recognizes a cultural responsibility to preserve the well-being of the environment and thereby preserve the land for future generations;

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

S.1 SHORT TITLE

This by-law may be cited as the **“CURVE LAKE RESERVE WASTE MANAGEMENT BY-LAW”**

S.2 INTERPRETATION

In this by-law,

“BAND” means the Curve Lake First Nation

“BUSINESS OPERATOR” means an owner or rentor who engages in any trade, industry or commercial activity carried out for gain or profit in Curve Lake First Nation;

“COLLECTION” means the removal of garbage from a premises to a disposal location whether such removal is effected by the Landfill Site Attendant or any other Curve Lake First Nation employee, commercial operator, business operator, contractor, an owner, lessee or renter;

“COLLECTION SERVICES” means the pickup and removal of garbage and/or recyclables from an owner’s curbside premise to a disposal location by the Landfill Site Attendant, or any other Curve Lake First Nation employee or commercial operator. Collection Services does not include Lessees, Renters or Contractors;

“COMMERCIAL OPERATOR” means an owner/operator who engages in the commercial activity of waste removal management;

“CONTAINER” means the method by which the Owner or Lessee contains garbage pending collection or delivery to the landfill site and shall include, without limiting, disposable plastic bags or rigid metal or plastic containers;

“CONTRACTOR” means an owner/operator who engages in the activity of construction, repair, remodelling or demolition of a structure for profit or gain;

“COUNCIL” means the Council, as defined in the Indian Act, of Curve Lake First Nation:

“DISPOSAL” means the dumping of garbage and/or recyclables at designated spots at the landfill site by the Landfill Site Attendant, or any other Curve Lake First Nation employee, business owner, renter, lessee or owner during regular established hours;

“ENCLOSURE” means any type of structure specifically designed for the storage of containers, such enclosures must prevent access to garbage by both domestic and wild animals;

“FIRST NATION” means the Curve Lake Indian Band

“GARBAGE” means any type of non-toxic or non-poisonous solid, semi-liquid or liquid wastes which the Landfill Site Attendant deems acceptable for disposal or recycling at the landfill site and may include:

- a) household waste, including without limiting, packaging of foods and goods which are non-recyclable;
- b) bulky waste, which includes any large item of refuse, including without limiting: appliances, furniture, vehicle parts under 35 kilograms, and large containers;
- c) construction and demolition waste such as waste building material or rubble resulting from construction, repair, remodelling or demolition of a structure;
- d) combustible rubbish, meaning burnable material, including without limiting, rags, cartons and boxes ineligible for recycling, wood, bedding, leather or plastics;
- e) non-combustible rubbish meaning material which will not burn including without limiting, metal, ceramics and glass;

- f) any liquid waste which is not suitable for disposal through a weeping bed; or
- g) organic waste, including without limiting, green waste such as vegetables and fruit peelings, grass and weed clippings, or brown waste such as leaves, coffee grounds, wood shavings or hay.

“HAZARDOUS WASTE” means any and all waste designated as hazardous, poisonous or toxic waste, in liquid, solid, gas or semi-liquid form, under any federal environmental law, including without limiting:

- a) animal and agricultural wastes, such as: manures, crop residues, animal offal such as carcass waste and entrails or other similar materials obtained from agricultural pursuits, stables, kennels, veterinary establishments and other such premises; or
- b) any waste which may present a hazard to a person, flora, fauna or public lands which includes without limiting, wastes of pathological, explosive, flammable, radioactive, or toxic nature;

If there is a question as to whether any substance is hazardous, the Landfill Site Attendant may use his or her unfettered discretion to resolve the issue.

“LANDFILL SITE” means any landfill site, as designated as such, from time to time by Council;

“LANDFILL SITE ATTENDANT” means an employee of Curve Lake First Nation whose duties include the supervision and management of the Curve Lake landfill site and shall include more than one person if so employed by Council;

“LESSEE” means an individual or individuals who reside in Curve Lake First Nation pursuant to a valid and subsisting lease, this shall include any individual who pays or is intended to pay an annual service charge to Curve Lake First Nation pursuant to a lease agreement, and shall include any agent or relative of the Lessee intended to deliver garbage or hazardous waste on behalf of the Lessee;

“OFFICER” means any police officer, police constable or other person charged with the duty to preserve and maintain the public peace, and a by-law officer or any other person appointed by the Council for the purpose of maintaining law and order on the reserve;

“OWNER” means a Curve Lake First Nation Band Member who is over the age of 18 years and holds a valid Certificate of Possession for land located in Curve Lake First Nation or an individual or individuals who rent real property from Curve Lake First Nation pursuant to a Rent-To-Own or commercial lease agreement and shall include members of the owner’s immediate family or anyone delivering garbage or hazardous waste on behalf of the Owner;

“PREMISES” means any structure occupied or owned by an Owner or Lessee;

“RECYCLABLE MATERIALS” means all materials enumerated in the Curve Lake First Nation recycling program, which includes without limiting:

- a) old corrugated cardboard, unless contaminated
- b) steel and aluminum cans
- c) all household plastic containers except pails and containers of hazardous products
- d) newspapers, magazines, phone books, catalogues, egg cartons
- e) all household paper including soft cover books
- f) any type of film plastic
- g) clear and coloured glass: includes bottles and jars
- h) metal foil
- i) milk or juice cartons
- j) styrofoam
- k) any other material which is in the recycling stream which may be specified by the Landfill Site Attendant, from time to time.

“RENTER” means an individual or individuals who are not Curve Lake First Nation members who rent property from a Curve Lake First Nation Owner pursuant to an independent agreement and shall include any agent or relative of the Renter intended to deliver garbage or hazardous waste on behalf of the Renter;

“RESERVE” means the reserve of the Curve Lake First Nation and includes the Band’s Reserves No. 35 and No.35A and shall include any future additions to the Reserve;

S.3 POWERS OF LANDFILL SITE ATTENDANT

- 3.1 a) The Council may, by resolution, appoint one or more Landfill Site Attendants.
- b) The Council may, in the resolution, provide for reasonable remuneration to be paid to a Landfill Site Attendant.

The Landfill Site Attendant may:

- 3.2 inspect any garbage, hazardous waste, or recyclable material being brought into the landfill site and in so doing may require that vehicles or individuals, stop prior

to entering the landfill area, for the purposes of conducting a visual or physical inspection;

- 3.3 refuse to accept garbage, hazardous waste or recyclable material which the attendant, in his/her unfettered discretion, determines does not originate from lands in Curve Lake First Nation or from an owner, renter or lessee or cannot be considered garbage as defined in the by-law;
- 3.4 direct the disposal of garbage or recyclables to a specific area of the landfill site;
- 3.5 require that any individual, owner, renter, lessee comply with the provisions of this by-law within a specified time period;
- 3.6 refuse entry to the landfill site to individuals who are not owners, renters or lessees or who are owners, renters or lessees who, in the opinion of the attendant, are not complying with the provisions of this by-law;
- 3.7 inspect and approve containers or enclosures to ensure that they meet the standards of this by-law;
- 3.8 give direction to any owner, renter or lessee regarding the disposal of hazardous waste.

S.4 DUTIES OF AN OWNER, RENTER OR LESSEE

- 4.1 With respect to garbage and recyclable materials held for collection services every owner shall;
 - a) provide and maintain, in a serviceable and sanitary condition, a sufficient number of containers to hold all garbage/recyclables accumulated on his/her premises at any time;
 - b) ensure that containers or bags are set out for collection services on time and in such a manner as to facilitate pickup and removal, includes but is not limited to, draining and bagging all wet garbage/recyclables before placing in a container or bag, securely closing containers or bags set out for collection services;
 - c) store garbage in enclosures between disposal or collection services;
 - d) ensure glass and other sharp objects are packaged in such a manner that they may be handled safely by collection services;

- e) place bulky waste at the curbside on the first Wednesday of every third month for collection services;
 - f) outside of specified days, bulky waste must be delivered to the landfill site;
- 4.2 With respect to garbage/recyclable materials for collection/disposal, every renter or lessee shall;
- a) provide and maintain, in a serviceable and sanitary condition, a sufficient number of containers to hold all garbage/recyclables accumulated on his/her premises at any time;
 - b) store garbage in enclosures between collections/disposals
 - c) transport garbage/recyclables to the landfill site and dispose in designated containers or as directed by the Landfill Site Attendant;
 - d) ensure glass and other sharp objects are packaged in such a manner that they may be handled safely by the Landfill Site Attendant or commercial operator;
 - e) transport bulky waste to the landfill site to be placed in the designated area;
- 4.3 bulky waste will be subject to a dumping fee which will be set from time to time by the Curve Lake First Nation Chief & Council which will be in keeping with rates established by other First Nations and/or surrounding communities;
- 4.4 When using the landfill site it is the responsibility of the owner, renter or lessee to;
- a) transport yard rubbish to the landfill site at times designated by the Landfill Site Attendant;
 - b) extinguish all ashes before depositing at a landfill site
 - c) ensure that all construction and demolition wastes are taken to the landfill site and placed in the designated area and obtain a special permit, at the prescribed fee, from the Government Services Office for doing so; and
 - d) ensure that all recyclable materials are sorted and placed in the designated recycling boxes set out for collection;

S.5 OWNER, RENTER OR LESSEE ENGAGED IN COMMERCIAL ACTIVITY

- 5.1 This section shall apply to any owner, renter or lessee, without limiting the

application of any other section, who engages in any trade, industry or commercial activity carried out for gain or profit in Curve Lake First Nation.

5.2 Every owner, renter or lessee to whom section 5.1 applies shall, in addition to duties and responsibilities set out in S.4;

- a) purchase an annual dumping permit from the Government Services Office of Curve Lake First Nation;
- b) adhere to all rules regarding garbage and recyclable materials as set out in this by-law;
- c) adhere to all rules regarding disposal of construction and demolition waste as set out in this by-law.

5.3 The cost to purchase an annual dumping permit will be set from time to time by the Curve Lake First Nation Chief & Council.

S.6 GARBAGE COLLECTION SERVICES

6.1 The Council may at their discretion designate temporary or permanent alternate times and locations for garbage disposal and collection services;

6.2 Every owner shall be limited to two bags of garbage per weekly collection service except on the designated pick-up day during Christmas holidays between December 27 and January 2 when the maximum shall be three bags;

6.3 The Council may at their discretion change the limits as set out in sub-paragraph 2 above;

6.4 Additional garbage to be disposed of must be paid for in accordance with the tagging limits as set out in section 7.4(i)(j) below.

S.7 GARBAGE DISPOSAL AT LANDFILL SITE

7.1 Curve Lake First Nation landfill site disposal and collection services shall not be used by any off reserve Band members or any non-member not residing within Curve Lake First Nation;

7.2 All renters and lessees shall be limited to two bags of garbage per weekly disposal at the landfill site;

- 7.3 All owners, renters and lessees must divert all appropriate recyclable waste as defined in section 2, into the designated recycling boxes or depots;
- 7.4 Tagging of garbage shall be done in accordance with the following:
- a) all garbage left for collection services or taken for disposal to the landfill site must be tagged with official tags issued by the Government Services Office;
 - b) tags must be purchased from the Government Services Office or from the Landfill Site Attendant;
 - c) annually all owners shall be provided with 105 tags to use for tagging each bag of garbage left for collection services or taken for disposal to the landfill site;
 - d) annually, all year round lessees, shall be provided with 105 tags to use for tagging each bag of garbage taken for disposal to the landfill site;
 - e) in the event of a transfer or assignment of leasehold interest, it is the responsibility of the new lessee to obtain the balance of tags from the previous lessee;
 - f) annually, all seasonal lessees, shall be provided with 52 tags to use for tagging each bag of garbage taken for disposal to the landfill site;
 - g) in the event of a transfer or assignment of leasehold interest during the period May-October, it is the responsibility of the new lessee to obtain the balance of tags from the previous lessee;
 - h) all renters must initially purchase eight (8) official tags from the Government Services Office in order for bags to be tagged for disposal at the landfill site, who will notify the Landfill Site Attendant of their residency, at which time future tag purchases may be made at the Government Services Office or from the Landfill Site Attendant;
 - i) bags left out for collection services exceeding the limit as set out in 6.2 above will be left at the curbside for owner to purchase additional tag(s) as required from the Landfill Site Attendant for collection services;
 - j) lessees exceeding the limit as set out in 7.2 and 7.4 (d)(e)(f)&(g) above will be required to purchase additional tags for the disposal of garbage at the landfill site, except on the designated day the landfill sit is open during the Christmas holidays between December 27 and January 2 when the maximum shall be three bags;

- k) The cost to purchase official tags will be set from time to time by the Curve Lake First Nation Chief & Council.
- l) Additional tags, over and above the 105, shall be provided when required for justifiable medical reasons, and issued by the Curve Lake Health Centre.

7.5 In respect to the disposal of tires

- a) All tires considered garbage as set out in S.2 must be disposed of at the landfill site and a disposal fee paid;
- b) The cost of disposal fee to be set from time to time by the Curve Lake First Nation Chief & Council;
- c) In the instance of any uncertainty, the Landfill Site Attendent may determine if any unused tires not stored in an enclosure shall not be considered garbage and disposal denied.

7.6 In respect to the disposal of construction or demolition waste:

- a) The disposal of all garbage generated as defined in S.2 from on-Reserve construction or demolition projects shall require a permit issued by the Government Services Office to be valid from inception of the construction or demolition project to the end of the project;
- b) Permits required in this section shall fall into one of the following categories:
 - i) projects carried out by an individual or business where the service is conducted for profit or gain, or
 - ii) projects carried out by a renter or lessee for the benefit of home improvement/enhancement
 - iii) projects carried out by an owner for the benefit of home improvement/enhancement and not for payment, profit or gain.
- c) The costs for each category shall be set from time to time by the Curve Lake First Nation Chief & Council.

7.7 In respect to the disposal of hazardous waste;

- a) No person shall dispose of, cause or permit to be disposed of, any hazardous waste, in or about the landfill site or anywhere on the Reserve, unless Council provides specific directions to the contrary.

S.8 ESCAPE OF GARBAGE FROM A VEHICLE

- 8.1 No person shall convey or cause to be conveyed any garbage, hazardous waste or recyclable materials in a vehicle that is not properly constructed or covered to prevent contents thereof from escaping;
- 8.2 In the event of an escape of garbage, hazardous waste or recyclable materials from any vehicle, the owner is responsible for the immediate clean up.

S.9 UNAUTHORIZED DISPOSAL OF GARBAGE

- 9.1 All garbage and recyclable materials must be disposed of in designated landfill sites and in accordance with the rules of this by-law;
- 9.2 No owner, renter or lessee shall accumulate garbage or allow garbage to accumulate on any property in which they have an interest as an owner, renter or lessee;
- 9.3 In accordance with this by-law and the Federal "Indian Reserve Waste Disposal Regulations", Section 10 of the Indian Act, no individual shall burn any garbage or waste anywhere within Curve Lake First Nation unless granted permission in writing by the Curve Lake First Nation Council.

S.10 TRESPASS ON LANDFILL SITE

- 10.1 It is a violation of this by-law to enter onto the landfill site outside of operating hours;

S.11 COMPLIANCE

- 11.1 The Landfill Site Attendant may order that:
 - a) any person in contravention of this by-law must comply with this by-law without delay;
 - b) any activity contravening this by-law be immediately stopped, and;
 - c) any action or situation which creates an unsafe or unsanitary condition regarding the garbage or hazardous waste be rectified to the approval of the Landfill Site Attendant.

- 11.2 The Landfill Site Attendant is authorized to request that an officer assist in enforcing this by-law and lay charges where necessary.
- 11.3 A person who fails or refuses to comply with an order made under subsection 11.1 (a),(b), (c) or who resists or interferes with an officer acting under subsection 11.2, commits an offence.

S.12 PENALTY

- 12.1 A person commits an offence, who
- a) fails or refuses to comply with any provision of this by-law;
 - b) submits false or misleading information to a Landfill Site Attendant; or
 - c) interferes with or obstructs a Landfill Site Attendant acting in the administration or enforcement of this by-law.
- 12.2 Where an act or omission in contravention of this by-law continues for more than one 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.
- 12.3 In addition, the Indian Act subsection 81(2) and (3) provide:
- 81(2) Where any by-law of a Band is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the 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.
- 81(3) Where any by-law or a Band passed 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 Band Council.
- 12.4 A person who commits an offence under this by-law is liable on summary conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding thirty days, or both.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Curve Lake First Nation the 19 day of OCT, 1998.

Voting in favour of the by-law are the following members of the Council:

Vanessa Boudreau
(Member of the Council)

[Signature]
(Member of the Council)

Leon Taylor
(Member of the Council)

Edward A Loppaway
(Member of the Council)

Michael White
(Member of the Council)

[Signature]
(Member of the Council)

[Signature]
(Member of the Council)

[Signature]
(Member of the Council)

being the majority of those members of the Council of the Curve Lake First Nation present at the aforesaid meeting of the Council.

The quorum of the Council is five (5) members.

Number of members of the Council present at the meeting: 9

I, GARY WILLIAMS Chief/Councillor of the Band, do hereby certify that an original of the foregoing by-law was mailed to the Minister of Indian Affairs and Northern Development at the District/Regional/Hull office (as the case may be) pursuant to subsection 82 (1) of the Indian Act, this 19 day of OCT, 1998.

[Signature]
(Witness)

[Signature]
(Chief/Councillor)