

# Mohawk Council of Kahnawake

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(OFFICE OF THE COUNCIL OF CHIEFS)



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## BY-LAW NO. 101

### A BY-LAW TO AMEND BY-LAW 5 RESPECTING THE PROMOTION OF SANITARY CONDITIONS, THE PREVENTION NUISANCES AND THE USE OF PREMISES ON THE CAUGHNAWAGA INDIAN RESERVE

WHEREAS the Mohawk Council of Kahnawake (formerly the Council of the Caughnawaga Indian Band) did enact By-Law 5;

NOW THEREFORE, pursuant to Section 81 of the Indian Act, the Mohawk Council of Kahnawake enacts as a by-law thereof as follows:

Article 21 of By-Law # 5 is hereby amended to add thereto sub-paragraph d) which will read as follows:

- d) order and effect the immediate closure of any property, premises or place situated on the reserve, where he has reasonable grounds to believe that there is non-compliance with the present by-law. To do so, the inspector's powers shall include, but not be limited to, the power to place locks, seals or other devices on the property, premises or place and to post persons thereon to prevent access thereto or egress therefrom, until compliance with the present by-law:

Article 16 of By-Law # 5 is hereby repealed and replaced by the following:

No person shall store, keep, maintain, erect or allow on his property any sign, poster, wreck, scrap, junk or vehicles of any kind no longer capable of being used or driven for the purposes for which they were built, on any property, premises or place. This prohibition applies throughout Kahnawake.

Approved and passed at a duly convened meeting of the Mohawk Council of Kahnawake this 16th day of February, 1993.

Baul H. Deed  
Alan Paul  
Joseph Tokwiwo Norton  
Philip Smith  
Judsay L. B.

Lessie Goodleaf  
Roggy Mayo  
Billy Two Rivers

The quorum is set at seven.

I, Joseph Tokwiwo Norton, Grand Chief of the Mohawks of Kahnawake do hereby certify that a true and exact copy of the foregoing By-Law # 101 was mailed to the Minister of Indian Affairs, c/o the Quebec Regional Director General this 17th. day of February, 1993.

Joseph Tokwiwo Norton  
Joseph Tokwiwo Norton

By-Law on Sanitation

**BY-LAW #5  
ON SANITATION**

SOR/77-739  
Effective September 14, 1977

The following By-Law was duly adopted in virtue of the provisions of Paragraphs (a),(d),(f),(g),(h),(q) and (r) of Section 80 of the Indian Act, 1952 R.S.C. Ch. 149, by the Council of the Kahnawake Indian Band at a meeting duly convened and held at Kahnawake on April 20th, 1968.

DEFINITIONS

1. For the purpose of the present By-Law:

(a) The word "ashes" includes the residue from the burning of any substance or thing.

(b) The word "debris" includes tin cans, bottles, glass, paper and unused construction materials or former parts of any construction or dwelling.

(c) The word "garbage" includes any offal, garbage, filth, liquid or solid waste, rotten, spoiled, or used food, night-soil, wastes and generally anything which is or may be offensive or prejudicial to health or susceptible of endangering health.

(d) The word "person" includes any possessor, user, occupant, owner, resident, lessee, or agent or wife or child of any of the foregoing of property or premises situated within the limits of the Kahnawake Indian Reserve whether or not such person is a registered member of the Kahnawake Band.

(e) The word "property" includes all property, moveable and immoveable, real and personal dwellings, buildings, residences, construction appurtenances, garages, driveways, yards, pastures, ditches, water, wharves, streams, rivers, lakes, ponds and premises situated within the Kahnawake Indian Reserve of which a person or the band has the possession, use, occupation, lease, enjoyment or exercise of rights in respect thereto.

(f) The word "refuse" designates garbage, ashes and rubbish, unless otherwise indicated by the context.

(g) The word "rubbish" includes all domestic refuse not defined as ashes or garbage as well as rags, wood, scrap, rubber, leather, leaves, metal, iron, crockery and any other trash.

RESPONSIBILITY FOR PROPERTY

2. Every person is responsible for the permanent maintenance of his property and premises in a sanitary and proper condition and is responsible for all damages caused by the condition of, or things on, the said property and premises if he neglects or omits such maintenance.

DUTIES OF PERSONS

3. Without restricting the generality of Section 2, every person shall maintain his property and premises:
  - (a) in a good state of repairs;
  - (b) free from any thing potentially or actually dangerous to the life, health, or welfare of any person;
  - (c) free from any fire or other hazard to life, health or property;
  - (d) properly equipped to overcome any peril, including fire.

ACCUMULATION OF REFUSE PROHIBITED

4. No person shall accumulate, allow to accumulate, store or keep on his property or premises any ashes, debris, garbage, rubbish or any other type of refuse whatever, save as hereinafter provided in Section 5.

COLLECTION OF REFUSE

5. All ashes, debris, garbage and any other type of refuse shall, at regular intervals not more than seven days apart, be properly collected, wrapped and placed in suitable containers by a member of each household or the persons responsible for the maintenance of the property or premises on which the refuse is situated.

DISPOSAL OF REFUSE

6. All containers in which refuse has been placed shall, at least once a week, be brought to and disposed of at such places on the reserve designated for such purpose by the Council by the persons mentioned in Section 5.

REMOVAL OF REFUSE

7. The Council is hereby authorized to make such provisions as it may deem necessary for the regular removal of refuse from any property or premises within the reserve and for the operation and use of any pump or land-fill within the reserve.

(a) for the operation and use of any dump or land-fill within the reserve;

Definition of Land-Fill:

- earth: cultivable soil
- soil : firm land - loose surface material of earth that may be dug or plowed

(b) any member or non-member of the Kahnawake Band of Indians involved in a land-fill operation on the Kahnawake Indian Reserve must obtain an authorization from the Band Council in writing or type-written with conditions set therein.

COLLECTION OF REFUSE BY COUNCIL

8. In the event that the Council provides for the regular removal of refuse, such refuse shall be placed in suitable containers which shall be kept in a place readily accessible for such removal at such times as the Council may direct.

DANGEROUS THINGS

9. It is prohibited to place in, with, or close to refuse any thing liable to cause accidents or damages to any person whether by combustion, corrosion, explosion or otherwise.

CONDITION OF CONTAINERS

10. All refuse containers shall be maintained in a clean, dry and proper condition by each household or person responsible for such containers and shall be properly stored by such person upon the removal or disposition of refuse.

REFUSE ON BAND PROPERTY

11. No person shall deposit, deliver, leave, throw, dispose of or destroy in whole or in part any ashes, debris, garbage, rubbish or any other type of refuse on property held or owned by the band or on the property of another person save as herein provided or with the express written authorization of the Council.

DESTRUCTION OF REFUSE PROHIBITED

12. Save as provided elsewhere in this by-law, no person shall store, destroy or otherwise dispose of ashes, debris, garbage, rubbish and any other type of refuse whatever without the written authorization of the Council.

DEATH OF ANIMALS

13. The owner of any animal, including fowl, shall report the death of such animal to the Council within 12 hours after such death and shall immediately follow the directives of the Council or of any inspector hereinafter mentioned in respect to the disposal of the carcass or body of such animal.

INJURIOUS MEAT

14. No person shall have in his possession unwholesome meat, fish, fowl or food of any kind which may in any way be injurious to health.

CONTROL OF PESTS

15. Every person shall take all responsible precautions to control the incidence of pests, rats, rodents and other animals or things constituting a real or potential danger to health or susceptible of transmitting disease of any kind.

SCRAP PROHIBITED

16. No person shall store, keep, maintain, erect or allow on his property any sign, poster, wreck, scrap, junk or vehicles of any kind no longer capable of being used or driven for the purposes for which they were built, on any property or premises, save

16. (Continued from previous page)

that the Council may, by express authorization in writing, permit a person or persons to do any of the foregoing, if same is necessary for his business or livelihood and provided that such business or livelihood be restricted to the places designated by the Council in its authorization.

#### SIGNS

17. No signs, posters or advertisements of any kind shall be placed on band property without the express written authorization of the Council, which may order the removal of such objects at any time.

#### WASTE PRODUCTS

18. No person shall dispose of excrement, dirty water, chemicals or waste of any kind except through proper plumbing facilities or in sanitary privies, chemical closets or cesspools approved by an inspector appointed under the present by-law and provided that such disposal will not detrimentally affect drinking water or water constituting the source of wells or impair the health of any person.

#### INSPECTORS

19. The Council may appoint an inspector or inspectors to carry out and enforce the provisions of the present by-law.

#### AUTHORITY OF INSPECTORS

20. Any inspector appointed by the Council pursuant to the present by-law shall have the authority to enter any property, premises or place situated on the reserve at all times for the purpose of inspecting such property, premises or place to determine if there has been proper compliance by any person with the present by-law.

#### POWERS OF INSPECTORS

21. In addition to the powers mentioned in Section 20 such inspector may:

- a) order any person to do any work or perform any act to remedy any contravention of the present

21. (Continued from previous page)

by-law and such person shall, upon receiving written notice of such order, be obliged to carry out such work within the week following such order.

- b) confiscate any property or thing which contravenes or assists in contravening the provisions of the present by-law.
- c) carry out any work necessary to remedy any infringement of the present by-law at the expense of the person responsible for such infringement, which person shall be obliged to reimburse the Council for such expense when same is incurred.

#### EX-OFFICIO INSPECTORS

22. All members of the Royal Canadian Mounted Police and all peace officers, constables or other persons employed by the Council for the maintenance of public peace shall be ex-officio inspectors within the meaning of the present by-law with all the powers, authority and duties provided herein for such inspectors.

#### PENALTIES

23. Any person who violates any provision of this by-law shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding \$50.00 (Fifty Dollars) or imprisonment for a term not exceeding 7 (Seven) days or to both fine and imprisonment in the case of a first offence, and to a fine not exceeding \$100.00 (One Hundred Dollars) or imprisonment for a term not exceeding 30 (Thirty) days or to both a fine and imprisonment in the case of any subsequent offence.

#### COMING INTO FORCE

24. This by-law shall come into force on the day that it is declared to be in force by the Minister of Indian Affairs and Northern Development or on the 40th day following the transmission of the present by-law to the said Minister, whichever is the sooner.

#### FORMER BY-LAWS REPEALED

25. Upon the coming into force of this by-law all other by-laws dealing with the matters provided for by the present by-law shall be repealed.