

KITIGAN ZIBI ANISHINABEG BY-LAW # 17
A BY-LAW FOR WASTE DISPOSAL AND ENVIROMENTAL PROTECTION

**By-law # 17 of the Kitigan Zibi Anishinabeg
A By-law for Waste Disposal and Environmental Protection**

Whereas the Council of the Kitigan Zibi Anishinabeg First Nation desires to make a by-law governing waste disposal and environmental protection with respect to the matter arising out of or ancillary to the exercise of powers under section 81 of the Indian Act and to the imposition of a penalty for a violation thereof;

And Whereas the Council of the Kitigan Zibi Anishinabeg First Nation is empowered to make such By-law pursuant to Section 81 subsection 81 (1) a, q, r;

And Whereas it is considered expedient and necessary for the benefit, health and safety of the inhabitants of the Kitigan Zibi Anishinabeg First Nation community to have a Waste Disposal and Environmental Protection By-law;

Now Therefore the Council of the Kitigan Zibi Anishinabeg First Nation hereby makes the following By-law;

Short Title:

1. This by-law may be cited as the "Waste Disposal and Environmental Protection- "WDEP" By-law.

Interpretation:

2. In this by-law:

"Band" means the Kitigan Zibi Anishinabeg Band.

"Council" means the Council as defined in the Indian Act, of the Kitigan Zibi Anishinabeg Band.

"Person" includes an individual, an association, a chartered organization, a firm, a partnership and a corporation.

"Reserve" means the Kitigan Zibi Anishinabeg reserve # 73.

"Waste" includes garbage, liquid and semi-liquid substances, landfill and scrap of all kinds any combination of the foregoing.

"Contaminated soils" means soils which are artificially or naturally contaminated and/or

which are being mixed with clean soils. This also includes contaminated soils which are man-made.

“Minister” means Minister of Aboriginal Affairs and Northern Development Canada.

“Administrator” means person designated by the Band Council by BCR to ensure the compliance of this by-law.

Application of By-law:

3. (1) The provisions of this by-law apply to all lands of the Kitigan Zibi Anishinabeg Band as shown in Schedule “A”
- (2) Schedule “A”, which is hereto attached, is a part of this by-law as fully and to all intents and purposes are to be read as though recited therein.
- (3) The provisions of this by-law are subject to the *Indian Reserve Waste Disposal Regulations*.

Administrator:

4. The Council may, by resolution designate a person to be called “administrator” to monitor compliance of this by-law, provide information to the Band Council and lay formal charges when this by-law has been breached.

Upon receiving the Minister’s authorization as per the Indian Reserve Waste Disposal Regulations, the following shall apply:

Prohibition:

5. No person shall:
 - (a) operate a garbage dump on the Kitigan Zibi Anishinabeg reserve
 - (b) use any land on the Kitigan Zibi Anishinabeg reserve for the disposal or storage of waste
 - (c) use any land on the Kitigan Zibi Anishinabeg reserve for the storage/disposal, treatment, used as landfill, (engineered, trench, construction or demolition), tailings area or final disposal of contaminated soils, corrosive material, explosive material, flammable material, hazardous or gaseous material.

- (d) burn waste on any land in the Kitigan Zibi Anishinabeg reserve except under authority of a permit issued by the Band Council or designated Kitigan Zibi Anishinabeg administrator.
- 6. No Kitigan Zibi Anishinabeg community member who is in lawful possession of any lands on the reserve and no person to whom lands have been leased or who lawfully occupies, uses resides or otherwise exercises rights on land in the reserve shall permit any person to operate on that land a garbage dump, burn waste or use any part of that land for the disposal or storage of waste or contaminated soils unless a Kitigan Zibi permit to carry on that action on that land has been issued pursuant to paragraph 7 (a), (b).

Permit:

- 7. The Kitigan Zibi Anishinabeg Band Council through its designated administrator may under very exceptional confirmed reasons and through written request issue to any Kitigan Zibi community member a permit authorizing that person to:
 - (a) to use land held under Certificate of Possession for the disposal or storage of dry non-contaminated waste.
 - (b) to burn waste on land held under Certificate of possession but no closer than 5 km's from the location of a house or area used by community members.
- 8. **A permit shall:**
 - (a) specify the land in respect of which the permit is issued; and
 - (b) specify the manner in which the activity authorized therein shall be exercised
- 9. Subject to section 7, a permit shall be valid for a maximum of 30 calendar days after it has been issued.

Orders and Cancellations of Permit:

- 10. If the holder of a permit issued pursuant to section 7
 - (a) disposes or stores dry non-contaminated waste
 - (b) burns waste and / or toxic contaminated materials

Other than in the manner specified in the permit, the Kitigan Zibi Anishinabeg Band Council through its designated administrator may immediately cancel the permit and order the holder of the permit to close and clean the site in a manner satisfactory to the Kitigan Zibi Anishinabeg Band Council and such at the full cost of the permit holder.

THIS BY-LAW IS HEREBY adopted at a duly convened meeting of the Kitigan Zibi Anishinabeg Band Council this 10th, day of February 2014 and shall come into force on February 14, 2014.



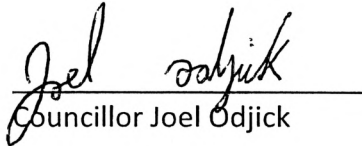
Chief Gilbert W. Whiteduck



Councillor Bill Ottawa

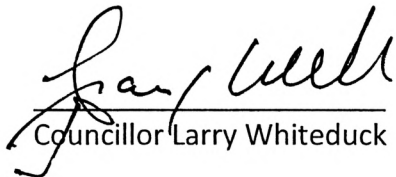


Councillor Alison Commando



Councillor Joel Odjick

Councillor Claudette Commanda

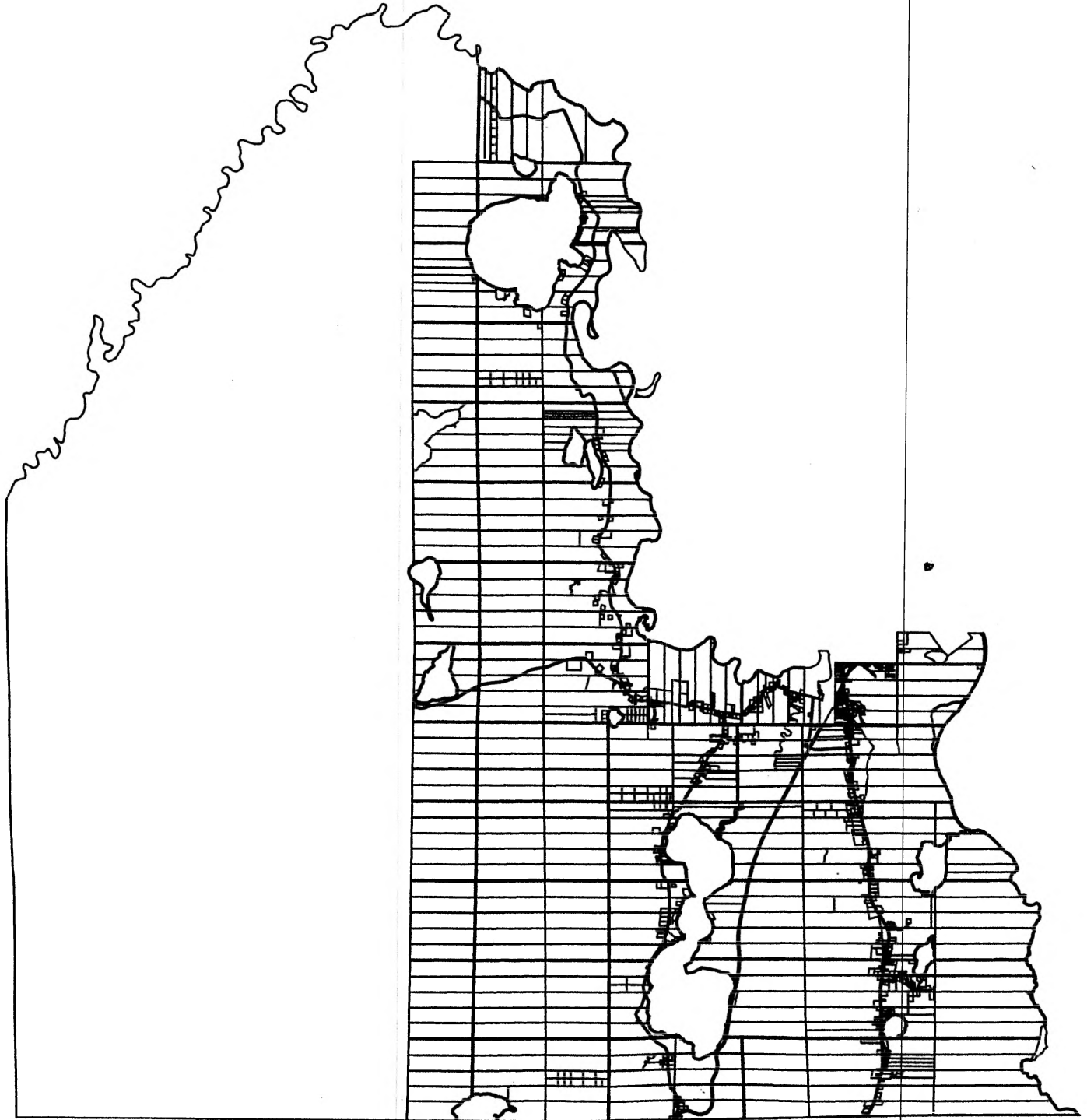


Councillor Larry Whiteduck



Councillor Caitlin Tolley

KITIGAN ZIBI ANISHINABEG





KITIGAN ZIBI ANISHINABEG

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Chronological No. - Numéro consécutif
BCR No. 73

BAND COUNCIL RESOLUTION RÉSOLUTION DE CONSEIL DE BANDE

DATE	10	FEBRUARY	2014
	DAY - JOUR	MONTH - MOIS	YEAR - ANNÉE

At a duly convened meeting held by the Kitigan Zibi Anishinabeg Council on February 10, 2014, the following resolution was enacted:

WHEREAS the Kitigan Zibi Anishinabeg Band Council wishes to adopt a by-law governing waste disposal and environmental protection with the matter arising out of or ancillary to the exercise of powers under section 81 of the Indian Act and to the imposition of a penalty for a violation thereof;

WHEREAS the Kitigan Zibi Anishinabeg Band Council is empowered to make such By-law pursuant to Section 81(1) a, q, r of the Indian Act;

WHEREAS it is considered expedient and necessary for the benefit, health and safety of the inhabitants of the Kitigan Zibi Anishinabeg First Nation to have a Waste Disposal and Environmental Protection by-law;

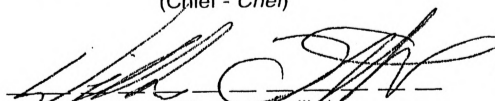
THEREFORE BE IT HEREBY RESOLVED THAT the Kitigan Zibi By-law No. 17 - A By-law for Waste Disposal and Environmental Protection be accepted as presented and attached.

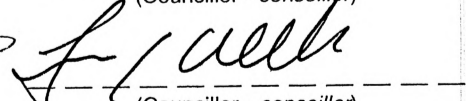
ADOPTED

A quorum for this Band Pour cette bande le quorum est	
consists of fixé à	4
Council Members Membres du Conseil	

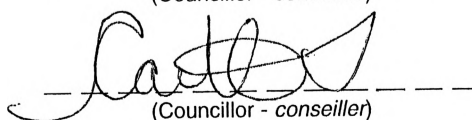

(Chief - Chef)

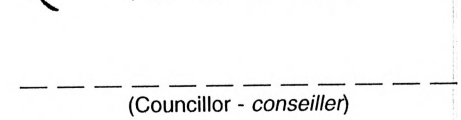

(Councillor - conseiller)


(Councillor - conseiller)


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