

BY-LAW NO. 2

LITTER CONTROL BY-LAW

Pursuant to Section 81(1) (a), (q) and (r) of the Indian Act, R.S.C. 1985 C-15 as amended, and pursuant to the provisions of Treaty Number 6 and the Traditional Law of the Samson Cree Nation, and pursuant to Sections 25 and 35 of the Constitution Act 1982, the Council of the Samson Cree Nation, duly assembled, hereby enacts as follows:

PART ONE - OPERATIVE AND INTERPRETIVE

1. Title

This By-law may be cited as "The Litter Control By-Law of the Samson Cree Nation".

2. Purpose

The purpose of this By-law is to provide standards for the control of litter and other refuse upon the Samson Indian Reserve.

3. Definitions

In this By-law:

- (1) "Council" means the Council of the Samson Cree Nation;
- (2) "disposing" includes discharging, dumping, throwing, dropping, discarding, abandoning, spilling, leaking, pumping, pouring, emitting or emptying, or any two or more of them, whether intentional or accidental;
- (3) "highway" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place, located on the Reserve, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles, and
 - (a) includes
 - i. sidewalk,
 - ii. where a ditch lies adjacent to and parallel with the roadway, the ditch, and

- iii. where a highway right-of-way is contained between fences or between a fence and one side of the roadway, all the land between the fences or all the land between the fence and the edge of the roadway, as the case may be;
- (4) "litter" means
- (a) any solid or liquid material or product or combination of solid or liquid materials or products, including, but not limited to
 - i. any rubbish, refuse, garbage, paper, package, container, bottle, can, manure, human or animal excrement or sewage or the whole or part of an animal carcass, or
 - ii. the whole or part of any article, raw or processed material, motor vehicle or other machinery that is disposed of;
- (5) "motor vehicle" means any vehicle propelled by any power other than muscular power;
- (6) "officer" means any police officer, police constable or other person employed for the preservation and maintenance of the public peace, a person designated by the Council as having policing authority on the Reserve or a by-law enforcement officer appointed by the Council;
- (7) "Reserve" means the Samson Indian Reserves Nos. 137 and 137A;
- (8) "Samson Lands" means those lands situated on the Reserve not in the exclusive possession of a Samson Member, either by Certificate of Possession or by Resolution of Council.

PART II - LITTER ON LAND, WATER AND ICE

4. No person shall dispose of litter on Samson Land unless he disposes of it

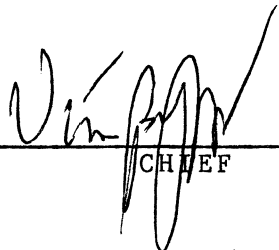
- (1) in a container placed for the purpose of collecting it, or
- (2) in a place as designated by Council for the purpose of disposing of litter.

5. (1) No person shall dispose of litter on a highway, unless he disposes of the litter in a container placed for the purposes of collecting it.
- (2) No person shall transport litter in or on a motor vehicle or a trailer on a highway in a manner which the litter is likely to fall off or blow off the motor vehicle or trailer.
- (3) If litter is disposed of from
- (a) a motor vehicle other than a bus or taxi, or
 - (b) a trailer, and it cannot be determined which of two or more occupants of the motor vehicle or trailer is responsible, the driver of the motor vehicle shall be deemed to be the person who disposed of the litter from the motor vehicle or trailer;
- (4) If litter is disposed of from
- (a) a motor vehicle other than a bus or taxi, or
 - (b) a trailer,
- and it cannot be determined who is the driver of the motor vehicle, the owner of the motor vehicle shall be deemed to be the person who disposed of the litter from the motor vehicle or trailer, unless he proves to the satisfaction of a Court that at the time of the offence, the motor vehicle was not being driven, the trailer was not being towed or the motor vehicle or trailer was not parked or left by him or by any other person with his consent, express or implied.
- (5) No person shall dispose of litter on, into or under water or ice on the Reserve.


PART III - ENFORCEMENT

6. A person who contravenes this By-Law is guilty of an offence and is liable for fine of not more than One Thousand (\$1,000.00) Dollars or thirty (30) days imprisonment, or both.


APPROVED AND PASSED at a duly convened meeting of the Council of the Samson Cree Nation, this 5th day of March, A.D. 1991.



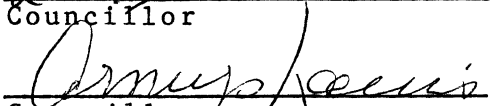
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Councillor




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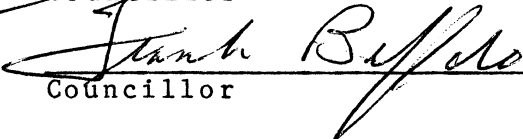
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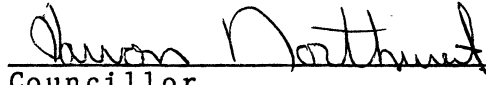


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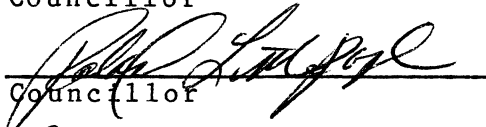


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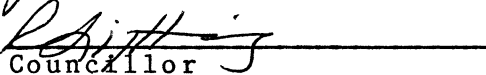
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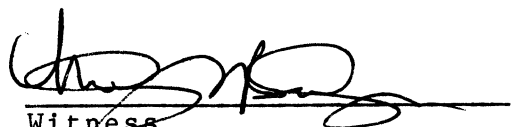


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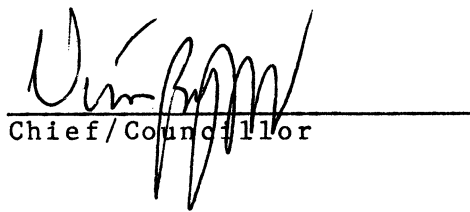


Councillor

I, **VICTOR BUFFALO**, Chief/Councillor of the Samson Cree Nation, 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(1) of the Indian Act, this 5th day of March, A.D. 1991.



Witness



Chief/Councillor