

BY-LAW NUMBER 19-A-03
OF
CHIPPEWAS OF GEORGINA ISLAND FIRST NATION
WASTE MANAGEMENT BY-LAW

WHEREAS the Chippewas of Georgina Island First Nation Council considers it to be expedient for the purpose of protecting the well-being of the residents of the Reserve from the health hazards associated with the dumping of waste and the indiscriminate of fires to waste within the Chippewas of Georgina Island; and

AND WHEREAS paragraphs (a) (d) (q) and (r) of section 81(1) of the Indian Act R.S.C. 1985, empower the Council of the Chippewas of Georgina Islands to enact by-laws respecting the health of the residents on the Reserve and for the prevention of nuisances on the Reserve and any matter thereto, and for the imposition of a penalty for a violation thereof,


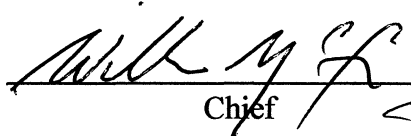

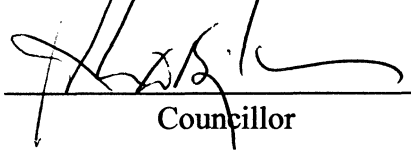

NOW THEREFORE the Council of the Chippewas of Georgina Island enacts as follows:

1. This by-law may be cited as the Chippewas of Georgina Island Waste Management By-law.
2. In this by-law;
 - a. "Council" means the Chippewas of Georgina Island Council of the Chippewas of Georgina Island First Nation;
 - b. "Composting" means the treatment of material by aerobic decomposition of organic matter by bacterial action for the production of stabilized humus, consistent with environmentally accepted methods;
 - c. "Household waste" means materials disposed of by individuals in the course of their daily activities at home and by commercial businesses, as a result of normal operating activities, excluding liquid industrial waste or hazardous waste;
 - d. "Nuisance" means any act or activity that impairs by direct physical interference, the use enjoyment of a person's property or could prejudicially affect a person's health or comfort, including:
 - i. the indiscriminate throwing or dumping of household waste on roads and road allowances;
 - ii. the abandonment of cars, used household appliances and furniture, or parts of cars, household appliances and furniture;
 - iii. the storage of used tires;
 - iv. the emission of smoke from burning tires, construction material, household waste or waste.
 - e. "Officer" means any peace officer or any other person assigned by the Chippewas of Georgina Island Council to enforce the provisions of this by-law;
 - f. "Reserve" means the tract of land known as the Chippewas of Georgina Island Indian Reserve Number 33 and 33A;

- g. "Resident" means a person who:
 - i. has their principal residence on the reserve;
 - ii. is authorized to reside on the reserve pursuant to the Indian Act;
 - h. "Sanitary Landfill" means the area approved for the purpose of waste disposal that complies with the governing body of Federal Acts and Regulations relating to waste disposal;
 - i. "Waste" means waste other than household waste, including liquid and semi-liquid substances, landfill, construction, debris, scrap metal and scrap of all kinds and any combination thereof.
3. No person shall,
 - a. dump waste;
 - b. store waste;
 - c. operate a waste dump;
 - d. facilitate the operation of a waste dump; or
 - e. set fire to waste
 4. No person shall transport waste onto the Reserve without a certificate of transport issued by the Council.
 5. A certificate of transport shall specify,
 - a. the type of vehicle used to transport the waste;
 - b. the date and route of transport;
 - c. the type and amount of waste being transported; and
 - d. any other appropriate condition as determined by the Council.
 6. Anyone who is found creating or causing a nuisance is guilty of an offence under this by-law.
 7. An officer may order any person who creates, causes or threatens to cause a nuisance on the Reserve to refrain from creating or causing the nuisance or to abate the nuisance within a reasonable time.
 8. In determining a reasonable time in subsection (1) a court shall take into account;
 - a. the nature and extent of the nuisance;
 - b. the methods available to abate the nuisance;
 - c. the approximate time to abate the nuisance; and
 - d. the availability of resources of the person subject to the order to abate the nuisance.
 9. Everyone who is a resident of the reserve may:
 - a. transport to and dump household waste in an approved sanitary landfill site during the hours of operation;
 - b. store household waste for the purpose of composting;
 - c. subject to section 10, burn household waste on their property.
 10. The burning of household waste by a resident shall be done in such a manner so as not to impair by direct physical interference, the use and enjoyment of a person's property or prejudicially affect a persons health or comfort and shall be done as follows:

- a. in a container such as a drum where the container is;
 - i. cleaned of any hazardous inner coating before initial use;
 - ii. in good repair;
 - iii. ventilated consisting of hole punctured at the base of the burning area; and
 - iv. located in a clearing a reasonable distance from any structure or vegetation;
 - v. so as not to cause harm to a neighbouring property; and
 - b. material being burned shall be household waste that is dried and does not include food scraps or hazardous material such as paint, aerosol cans, etc....
11. Where, at any time, an officer has reasonable grounds that a person is violating a provision of this by-law, the officer may, on reasonable notice to that person, inspect the area where he/she believes the violation is occurring.
 12. No person shall interfere with or obstruct an officer acting within the lawful execution of his/her duties under this by-law.
 13. Every person that contravenes any of the provisions of this by-law is guilty of an offense and liable upon summary conviction to a fine not exceeding ONE THOUSAND DOLLARS (\$1000.00) or imprisonment for a term not exceeding thirty days or both fine and imprisonment.
 14. (1) Where this by-law is contravened and a conviction is entered, in addition to the remedy described in section 13 of this by-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order pursuant to section 81 (3) of the Indian Act, at the demand of the Chippewas of Georgina Island Council.

APPROVED AND PASSED at a duly convened meeting of the Chippewas of Georgina Island Council this 07 day of April, 2003.

 _____ Councillor	 _____ Chief	 _____ Councillor
 _____ Councillor		 _____ Councillor

being the majority of those members of Council of the Chippewas of Georgina Island First Nation Band present at the foresaid meeting of Council.

The quorum of the Council is 3 Members.
 No. Of members of the Band Council present at the meeting: 5.

I, William M. McCue, Chief of the Chippewas of Georgina Island First Nations 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 07 Day of April, 2003.

 _____ (Witness)	 _____ (Chief William M. McCue)
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