

This is Exhibit "D" to
the Affidavit of William
Louis Ostenstad sworn
before me this 2nd day
of May, 1984

LAX KW'ALAAMS BAND OF INDIANS

BY-LAW NO. 1983- 4

Barbara Perry
Commissioner for taking
Affidavits for British

A by-law to provide for the disposal of Columbia
garbage and waste.

WHEREAS the Indian Act provides that the Council of
a Band may make by-laws for any and all of the following
purposes, namely:

to provide for the health of residents on the
Reserve and to prevent the spreading of contagious
and infectious diseases (paragraph 81(a));

the prevention of disorderly conduct and nuisances
(paragraph 81(d));

with respect to any matter arising out of or
ancillary to the exercise of the aforementioned
power (paragraph 81(q));

the imposition on summary conviction of a fine not
exceeding One Hundred Dollars or imprisonment for a
term not exceeding thirty days, or both, for
violation of a by-law made under Section 81 of the
Indian Act (paragraph 81(r));

NOW THEREFORE the Council of the Lax Kw'alaams Band
of Indians at a duly convened meeting enacts as a by-law
the following:

SHORT TITLE

1. This by-law may be cited for all purposes as the
Lax Kw'alaams Garbage Disposal By-law.

REPEAL OF EXISTING BY-LAWS

2. The following Band by-laws are hereby repealed in
their entireties:
 - (a) By-law No. 3 made on the 10th day of March,
1955, being a by-law to provide for the
disposal of garbage and waste on the Port
Simpson Indian Reserve;
 - (b) By-law No. 3A made on the 15th day of March,
1971, being a by-law to amend By-law No. 3.

DEFINITIONS

3. The following terms, whenever used in this by-law, or in any resolution of Council relating to this by-law, shall have the meanings respectively ascribed to them in this section unless the context otherwise requires:

"Act" means the Indian Act (together with all regulations made pursuant to same) being Chapter I-6 of the Revised Statutes of Canada, 1970, and any amendments thereto.

"Band" means the Lax Kw'alaams Band of Indians.

"Band Administrator" means the Band Administrator appointed from time to time by the Council and includes his delegated representative.

"Council" means the Council of the Band.

"Garbage" includes any dead animal, offal, fish, manure, fruit, vegetables, night soil, fill, liquid waste, refuse and anything else of any nature which is or may become offensive or prejudicial to health or to public safety or deleterious to the quality of the environment.

"Health By-law Officer" means any person appointed by Council under section 7 from time to time to be a Health By-Law Officer.

"Highway" includes every highway, bridge, driveway, street, lane, square, road, avenue, parkway, thoroughfare, parking area, or other place within Reserve designed or intended for the use of the membership of the Band and/or the general public for the passage of vehicles or the parking of vehicles, including without restricting the generality of the foregoing, every area designated as a highway, brige, driveway, street, lane, road, avenue, parking area or thoroughfare, on a Canada Lands Surveys Record plan or a Regional Surveyor of British Columbia plan.

"Occupant" means any Person residing at and/or leasing lands and/or Premises.

"Person" includes any individual, company, corporation, partnership, association and society.

"Premises" includes any single family dwelling, multiple family dwelling, business premises of any nature, and any building whether constructed or under construction.

"Reserve" includes all reserves of the Band.

PROHIBITION

4. No Person shall:

- (a) accumulate or permit to be accumulated any Garbage anywhere within Reserve including without restricting the generality of the foregoing anywhere upon lands and/or Premises in his possession or control, except as is otherwise specifically permitted by this by-law; or
- (b) deposit or permit to be deposited any Garbage upon or into any Highway, lot, ditch, wharf, dock, lake, pond, river, stream, well, sewer, Premises, or any other lands or waters within Reserve, except as is otherwise specifically permitted by this by-law.

GARBAGE DUMP

5. The Council may from time to time:

- (a) designate one or more places within Reserve as a place for the deposit and disposal of Garbage and it shall be lawful for any Person to deposit or dispose of Garbage at such place or places subject to any regulations of Council made pursuant to sub-section (b) and posted at the road entrance to such place or places; and
- (b) make such regulations as it considers necessary to provide for the orderly, safe, and healthy deposit and disposal of Garbage at such place or places and all Persons shall comply with all such regulations; and

- (c) determine that any such place or places is no longer to be used for the deposit or disposal of Garbage, upon which such determination it shall become unlawful for any Person to thereafter deposit or dispose of Garbage at such place or places.

GARBAGE REMOVAL

- 6. (1) The Council may from time to time arrange for the removal, whether on a regular basis or otherwise, of Garbage from any lands and/or Premises within Reserve.
- (2) All Garbage to be removed from any lands and/or Premises within Reserve pursuant to sub-section (1) shall be placed by the Occupant or Occupants thereof, or in the event no one is residing at the lands and/or Premises by the owner thereof, in plastic bags suitable for holding Garbage and be deposited in a water-tight wood, metal or plastic container situated either:
 - (a) in a location suitable to permit convenient pick-up of such Garbage by such Person as is to remove such Garbage; or
 - (b) in such other location as the Health By-law Officer may from time to time designate to the Occupant or Occupants of the lands and/or Premises, or in the event no one is residing at the lands and/or Premises to the owner thereof.

HEALTH BY-LAW OFFICER

- 7. (1) The Council may from time to time appoint a Person to be the Health By-law Officer, and may at any time terminate any such appointment.
- (2) A Health By-law Officer shall have the powers and carry out the duties prescribed for such Officer in this by-law.
- (3) During any time that there is no Health By-law Officer for any reason, or the Health By-law Officer for reasons of ill health or absence is

unable to carry out his duties, the Band Administrator shall have the powers and carry out the duties prescribed for such Officer in this by-law.

ENTER PREMISES

8. The Health By-law Officer may enter any lands and/or Premises within Reserve at any reasonable time or times for the purpose of inspecting such lands and/or Premises to ensure that Garbage thereat or therefrom:
 - (a) has not been accumulated or permitted to be accumulated contrary to the provisions of this by-law; or
 - (b) has not been deposited or disposed of or permitted to be deposited or disposed of contrary to the provisions of this by-law and all regulations made under this by-law; or
 - (c) has been deposited or disposed of in compliance with the provisions of this by-law and all regulations made under this by-law.

NOTIFICATION OF INFRACTION

9. (1) If the Health By-law Officer is of the opinion that any Person has accumulated, deposited, or disposed of Garbage in a manner that contravenes any provision of this by-law, he may give such Person an order in writing to collect and properly dispose of such Garbage within such time as he in such notice specifies, and every Person so notified by the Health By-law Officer shall collect and properly dispose of such Garbage by such time as is specified in such order.
- (2) Any such order shall be deemed for all purposes to have been properly given to a Person:
 - (a) if mailed, on the third day following the date of its mailing to the postal address of the Person; and
 - (b) if delivered, immediately upon being delivered to, or being left at the residence of, the Person.

- (3) If any Person fails to comply with an order given by the Health By-law Officer pursuant to sub-sections (1) and (2) within the time specified in such order, the Health By-law Officer shall report the matter to the Council and Council may, in addition to any other penalties provided herein, direct its workmen or agents to carry out all directions contained in such order and, in such event, every Person who failed to comply with the order given by the Health By-law Officer shall be jointly and severally liable for all costs of such direction or directions being carried out.

NON-INTERFERENCE WITH HEALTH BY-LAW OFFICER

10. No Person shall interfere with the Health By-law Officer when he is exercising a power or carrying out a duty under this by-law.

HEADINGS

11. The headings of sections in this by-law have been inserted as a matter of convenience and for reference only and in no way define, limit or enlarge the scope or meaning of this by-law or any of its provisions.

SEVERABILITY

12. If a Court of competent jurisdiction declares any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this by-law and it is hereby declared that the remainder of this by-law shall be valid and shall remain in force.

PENALTIES

13. (1) Any disobedience of or failure to comply with any provision of this by-law which is of a continuing nature shall for each and every day such disobedience or failure continues constitute a separate offence under this by-law.
- (2) Any Person who disobeys or fails to comply with any provision of this by-law is guilty of an

offense and is liable to imposition on summary conviction of a fine not less than Fifty Dollars and not exceeding One Hundred Dollars, or to imprisonment for a term not exceeding thirty days, or both.

APPROVED AND PASSED at a duly convened meeting of the Council of the Lax Kw'alaams Band of Indians this 13th day of October , 1983.

James Bryant
CHIEF COUNCILLOR

Albert White
COUNCILLOR

James B. Lawson
COUNCILLOR

Marvin Wesley
COUNCILLOR

Darwin Price
COUNCILLOR

John Alexcee
COUNCILLOR

R.E. Sankey
COUNCILLOR

COUNCILLOR

COUNCILLOR

COUNCILLOR

COUNCILLOR

COUNCILLOR

COUNCILLOR

I, James Bryant , Chief Councillor of the Lax Kw'alaams Band of Indians, 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 sub-section 82(1) of the Indian Act this 14th day of October , 1983.

W.L. Ostenstad
WITNESS

James Bryant
CHIEF COUNCILLOR