

Kwantlen First Nation

By-law Number: 100

BEING A BY-LAW TO PROHIBIT UNAUTHORIZED DISPOSAL OF WASTE

WHEREAS sections 81 (a), (d), (q), and (r) of the Indian Act empower the Council of the Kwantlen First Nation to enact by-laws to provide for the health of residents on the Reserve, the prevention of nuisances, any matter ancillary thereto and the imposition of a penalty for the violation thereof;

AND WHEREAS the Council of the Kwantlen First Nation is of the opinion that unauthorized disposal of Waste on Reserve land is a nuisance and may be a menace to health;

AND WHEREAS the Kwantlen First Nation has a designated waste disposal site authorized by a permit issued pursuant to the Indian Reserve Waste Disposal Regulations;

NOW THEREFORE the Council of the Kwantlen First Nation makes as a by-law thereof as follows:

1. In this by-law

(a) "Council" means the Council, as defined in the Indian Act, of the Kwantlen First Nation;

(b) "Environment" means the air, land, water and all other external conditions or influences under which man, animals and plants live or are developed;

(c) "Waste" means and includes Effluent and, without limitation, ashes, garbage, junk, paper, rubbish, refuse, trash, bodies or parts of automobiles or other vehicles or machinery, household goods or furnishings or parts thereof, construction material, scrap iron or other metals, landfill, domestic or industrial wastes of any kind whatsoever and any combination of any of the foregoing;

Specifically, "effluent" means a substance that is discharged into water or onto land or that is emitted into the air and that:

- (i) injures or is capable of injuring the health and safety of a person;
- (ii) injures or is capable of injuring property or any life form;
- (iii) interferes or is capable of interfering with visibility;
- (iv) interferes or is capable of interfering with the normal conduct of business;
- (v) causes or is capable of causing material physical discomfort to a person; or
- (vi) damages or is capable of damaging the Environment;

"Waste" specifically means any kind of garbage including

- (I) animal and agricultural wastes, being manures, crop residues, animal offal such as carcass waste and entrails and other materials obtained from agricultural pursuits, stables, kennels, veterinary establishments and other such premises,
- (II) bulky wastes, being large items of refuse including appliances, furniture, vehicle parts under 35 kg, large containers and tree cuttings not exceeding 1 m in length or 10 cm in diameter, in bundles not exceeding 35 kg,
- (III) construction and demolition wastes, being waste building materials and rubble resulting from construction, repair, remodelling or demolition activities,
- (IV) liquid waste, being waste materials or substances that have sufficient moisture or other liquid contents to be free flowing but that are not suitable for disposal through a sewer system,
- (V) rubbish, being
 - (i) combustibles, consisting of burnable materials such as paper, rags, cartons, boxes, wood excelsior, bedding, rubber, leather and plastics, and
 - (ii) non-combustibles, consisting of materials that are not burnable such as metal objects and containers, ceramics, metal foils and glass.
- (VI) solid wastes being the useless, unwanted or discarded solid waste materials resulting from normal human activities including semi-liquid or wet wastes with insufficient liquid content to be free flowing,
- (VII) special wastes, being
 - (i) hazardous wastes, consisting of any waste that may present a hazard to persons, flora, fauna or public lands, including wastes of a pathological, and explosive, a highly flammable, a radioactive or a toxic nature,
 - (ii) sanitary wastes, consisting of any putrescible waste that is capable of producing conditions that may present a hazard to health,
 - (iii) natural waste, consisting of tree stumps, soil, sand and stone, and
 - (iv) other special wastes, consisting of materials so classified by Chief and Council
- (VIII) trade waste, being petroleum products, scrap metal, machinery and vehicles and parts thereof, and
- (IX) yard rubbish, being prunings, grass clippings, weeds, leaves, and general garden wastes, other than solid wastes;
- (d) "Kwantlen First Nation" means the Langley Indian Band as constituted pursuant to the Indian Act;
- (e) "Reserve" means that tract of land the legal title to which is vested in Her Majesty that has been set apart by Her Majesty for the use and benefit of the Kwantlen First Nation and known as the Langley Indian Reserve.

2. No person shall permit Waste to remain, accumulate or burn on any part of any land within the Reserve, other than land that is designated as a waste disposal site by a permit issued pursuant to the Indian Reserve Waste Disposal Regulations, that is occupied, used, leased, allotted to or otherwise in his possession or under his control.

3.(1) Where in the opinion of the Council a person has permitted Waste to remain, accumulate or burn on land within the Reserve, other than land that is designated as a waste disposal site by a permit issued pursuant to the Indian Reserve Waste Disposal Regulations, that is occupied, used, leased, allotted to or otherwise in his possession or under his control, the Council shall by resolution direct the Band Manager of the Kwantlen First Nation to notify the person in possession of the said land to have the land cleared of all Waste within seven days of the date such notice is given.

(2) The notice referred to in section 3(1) shall be in writing and

- (i) may be by personal service upon the person named therein;
- (ii) may be posted in a conspicuous place on the lands or premises involved; or
- (iii) may be mailed by registered mail to the person named therein.

4. Failure of a person to obey the directions given by the Council in the notice referred to in section 3 shall be deemed to be a violation of this by-law.

5. Any person who violates any of the provisions of this by-law shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding \$1000.00 or imprisonment for a term not exceeding 30 days, or both fine and imprisonment.

Approved and passed at a duly convened meeting of the Council of the Kwantlen First Nation this 28 day of August, 1995.

Marilyn Gabriel
Chief Marilyn Gabriel

Leslie Antone
Councillor Leslie Antone

Tumia Gludo
Councillor Tumia Gludo

being the majority of those members of the Council of the Kwantlen First Nation present at the aforesaid meeting of the Council.

The quorum of the Council is 2 members.

Number of members of the Council present at the meeting: 3.

I, Chief Marilyn Gabriel of the Kwantlen First Nation, do hereby certify that a true copy of the foregoing by-law was mailed to the Minister of Indian Affairs and Northern Development at the Regional Offices pursuant to subsection 82(1) of the Indian Act, this 28 day of August, 1995.

Marilyn Gabriel
Chief Marilyn Gabriel

Carol Gabriel
Witness