

By-Law Respecting the Promotion of
Sanitary Conditions, the Prevention
of Nuisances, and the Use of Premises
on the Caughnawaga Indian Reserve.

The following by-law was duly adopted in virtue of the provisions of paragraphs a), d), f), g), h), q) and r) of Section 80 of the Indian Act (1952 R.S.C. ch. 149) by the Council of the Caughnawaga Indian Band at a meeting duly convened and held at Caughnawaga on April 25TH, 1968.

BY-LAW-5

DEFINITIONS

ARTICLE 1

For the purpose of the present by-law:

- a) The word "ashes" includes the residue from the burning of any substance or thing.
- b) The word "debris" includes tin cans, bottles, glass, paper and unused construction materials or former parts of any construction or dwelling.
- c) The word "garbage" includes any offal, garbage, filth, liquid or solid waste, rotten, spoiled or used food, night-soil, wastes and generally any thing which is or may be offensive or prejudicial to health or susceptible of endangering health.
- d) The word "person" includes any possessor, user, occupant, owner, resident, lessee, or agent or wife or child of any of the foregoing of property or premises situated within the limits of the Caughnawaga Indian Reserve whether or not such person is a registered member of the Caughnawaga Band.
- e) The word "property" includes all property, moveable and immoveable, real and personal, dwellings, buildings, residences, constructions, appurtenances, garages, driveways, yards, pastures, ditches, water, wharves, streams, rivers, lakes, ponds and premises situated within the Caughnawaga Indian Reserve of which a person or the band has the possession, use, occupation, lease, enjoyment or exercise of rights in respect thereto.
- f) The word "refuse" designates garbage, ashes and rubbish, unless otherwise indicated by the context.
- g) The word "rubbish" includes all domestic refuse not defined as ashes or garbage as well as rags, wood, scrap, rubber, leather, leaves, metal, iron, crockery and any other trash.

RESPONSIBILITY FOR PROPERTY

ARTICLE 2

Every person is responsible for the permanent maintenance of his property and premises in a sanitary and proper condition and is responsible for all damages caused by the condition of, or things on, the said property and premises if he neglects or omits such maintenance.

DUTIES OF PERSONS

ARTICLE 3

Without restricting the generality of article 2, every person shall maintain his property and premises:

- a) in a good state of repairs.
- b) free from any thing potentially or actually dangerous to the life, health, or welfare of any person.
- c) free from any fire or other hazard to life, health or property.
- d) properly equipped to overcome any peril, including fire.

ACCUMULATION OF REFUSE PROHIBITED

ARTICLE 4

No person shall accumulate, allow to accumulate, store or keep on his property or premises any ashes, debris, garbage, rubbish or any other type of refuse whatever, save as hereinafter provided in article 5.

COLLECTION OF REFUSE

ARTICLE 5

All ashes, debris, garbage and any other type of refuse shall, at regular intervals not more than ~~SEVEN~~ days apart, be properly collected, wrapped and placed in suitable containers by a member of each household or the persons responsible for the maintenance of the property or premises on which the refuse is situated.

DISPOSAL OF REFUSE

ARTICLE 6

All containers in which refuse has been placed shall, at least ~~ONCE~~ a week, be brought to and disposed of at such places on the reserve designated for such purpose by the Council by the persons mentioned in article 5.

REMOVAL OF REFUSE

ARTICLE 7

The Council is hereby authorized to make such provisions as it may deem necessary for the regular removal of refuse from any property or premises within the reserve and for the operation and use of any dump or land-fill within the reserve.

J.G.
 H.D.
 M.C.
 P.
 R.K.
 T.L.

M.C. - 74 -
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 H.C.

COLLECTION OF REFUSE BY COUNCIL

ARTICLE 8

In the event that the Council provides for the regular removal of refuse, such refuse shall be placed in suitable containers which shall be kept in a place readily accessible for such removal at such times as the Council may direct.

DANGEROUS THINGS

ARTICLE 9

It is prohibited to place in, with or close to refuse any thing liable to cause accidents or damages to any person whether by combustion, corrosion, explosion or otherwise.

CONDITION OF CONTAINERS

ARTICLE 10

All refuse containers shall be maintained in a clean, dry and proper condition by each household or person responsible for such containers and shall be properly stored by such person upon the removal or disposition of refuse.

REFUSE ON BAND PROPERTY

ARTICLE 11

No person shall deposit, deliver, leave, throw, dispose of or destroy in whole or in part any ashes, debris, garbage, rubbish or any other type of refuse on property held or owned by the band or on the property of another person save as herein provided or with the express written authorization of the Council.

DESTRUCTION OF REFUSE PROHIBITED

ARTICLE 12

Save as provided elsewhere in this by-law, no person shall store, destroy or otherwise dispose of ashes, debris, garbage, rubbish and any other type of refuse whatever without the written authorization of the Council.

DEATH OF ANIMALS

ARTICLE 13

The owner of any animal, including fowl, shall report the death of such animal to the Council within 12 hours after such death and shall immediately follow the directives of the Council or of any inspector hereinafter mentioned in respect to the disposal of the carcass or body of such animal.

INJURIOUS MEAT

ARTICLE 14

No person shall have in his possession unwholesome meat, fish, fowl or food of any kind which may in any way be injurious to health.

CONTROL OF PESTS

ARTICLE 15

Every person shall take all reasonable precautions to control the incidence of pests, rats, rodents and other animals or things constituting a

real or potential danger to health or susceptible of transmitting disease of any kind.

ARTICLE 16

No person shall store, keep, maintain, erect or allow on his property any sign, poster, wreck, scrap junk or vehicles of any kind no longer capable of being used or driven for the purposes for which they were built, on any property or premises, save that the Council may, by express authorization in writing, permit a person or persons to do any of the foregoing, if same is necessary for his business or livelihood and provided that such business or livelihood be restricted to the places designated by the Council in its authorization.

ARTICLE 17

No signs, posters or advertisements of any kind shall be placed on band property without the express written authorization of the band Council, which may order the removal of such objects at any time.

ARTICLE 18

No person shall dispose of excrement, dirty water, chemicals or waste of any kind except through proper plumbing facilities or in sanitary privies, chemical closets or cesspools approved by an inspector appointed under the present by-law and provided that such disposal will not detrimentally affect drinking water or water constituting the source of wells or impair the health of any person.

ARTICLE 19

The Council may appoint an inspector or inspectors to carry out and enforce the provisions of the present by-law.

ARTICLE 20

Any inspector appointed by the Council pursuant to the present by-law shall have the authority to enter any property, premises or place situated on the reserve at all times for the purpose of inspecting such property, premises or place to determine if there has been proper compliance by any person with the present by-law.

ARTICLE 21

In addition to the powers mentioned in article 20 such inspector may:

- a) order any person to do any work or perform any act to remedy any contravention of the present by-law and such person shall, upon receiving written notice of such order, be obliged to carry out such work within the

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week following such order.

b) confiscate any property or thing which contravenes or assists in contravening the provisions of the present by-law.

c) carry out any work necessary to remedy any infringement of the present by-law at the expense of the person responsible for such infringement, which person shall be obliged to reimburse the Council for such expense when same is incurred.

ARTICLE 22

All members of the Royal Canadian Mounted Police and all peace officers, constables or other persons employed by the Council for the maintenance of public peace shall be ex-officio inspectors within the meaning of the present by-law with all the powers, authority and duties provided herein for such inspectors.

ARTICLE 23

Any person who violates any provision of this by-law shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding \$50.00 or imprisonment for a term not exceeding 7 days or to both fine and imprisonment in the case of a first offence, and to a fine not exceeding \$100.00 or imprisonment for a term not exceeding 30 days or to both a fine and imprisonment in the case of any subsequent offence.

ARTICLE 24

This by-law shall come into force on the day that it is declared to be in force by the Minister of Indian Affairs and Northern Development or on the 40th day following the transmission of the present by-law to the said Minister, whichever is the sooner.

ARTICLE 25

Upon the coming into force of this by-law, all other by-laws dealing with the matters provided for by the present by-law shall be repealed.

Chief Andrew T. D. D. D.

Det. Chief Ronald Kirby

Det. J. D. D.

Det. L. L. L.

Mary Cross

Harold

Frank Powell

Howard

-OFFICIO
SPECTORS

NALTIES

MING INTO FORCE

RMFR BY-LAWS
PEALED