

BYLAW 98-5
A BYLAW RESPECTING GARBAGE DISPOSAL WITHIN THE RESORT

WHEREAS Paragraphs (a) and (q) of Section 81(1) of the *Indian Act*, R.S.C., ch. 1-5, empowers the Chief and Council of a Band to provide for the health of residents on the reserve and to prevent the spreading of contagious and infectious diseases and any matter arising out of or ancillary to the exercise of this power, and Paragraph (r) empowers the Chief and Council of a Band to impose a penalty for the violation thereof;

AND WHEREAS, Paragraph (d) of Section 81(1) of the *Indian Act*, R.S.C., ch. 1-5 empowers the Chief and Council to prevent disorderly conduct and nuisances;

AND WHEREAS, It is deemed to be expedient to regulate garbage disposal within White Bear Lake Resort as part of its power to provide for the health of residents, to prevent the spread of disease, and to prevent nuisance resulting from improper or unhygienic disposal of garbage;

NOW THEREFORE, The Council of the White Bear First Nation hereby makes the following By-Law:

1. In this By-Law:
 - (a) "Company" means the White Bear Lake Resort Inc. appointed by the White Bear Band Council for the operation of White Bear Lake Resort;
 - (b) "Council" means the Council of the White Bear First Nation;
 - (c) "Officer" means any person employed in connection with the administration and management of the Resort;
 - (d) "Person" Includes members of the White Bear First Nation as described within the Indian Act;
 - (e) "Receptacle" means a covered garbage disposal container for outside placement;
 - (f) "Refuse" means and includes, but is not limited to food wastes, papers, cans, boxes, bottles, and clothing; but does not include fish waste, leaves, branches, ashes, liquid matter, discarded appliances or furniture;
 - (g) "Resort" means the White Bear Lake Resort.
2. The Company shall be responsible for removal of Refuse which has been properly placed in a Receptacle under the provisions of this By-Law. No other person shall remove or dispose of any Refuse from the Receptacles.
3. Each cabin owner shall provide on her property a suitable Receptacle, of a size and weight for one person to lift.
4. If the cabin owner, after receiving notice from the Company to provide a proper Receptacle, neglects to do so, the Company may furnish a Receptacle for the property at the cabin owner's expense.

5. All animal or vegetable Refuse shall contain no excess liquid and shall be suitably wrapped in paper and placed in a Receptacle.
6. Trade waste such as paper, paper boxes, straw or other packing must be kept in boxes or tied in bundles for disposal.
7. Spilled Refuse will not be disposed of by the Company.
8. Any items not defined as "Refuse" within this By-Law shall be the responsibility of the lessee or permittee to dispose of in the designated waste disposal site or as required by the provisions of this By-Law, which may be enforced by the R.C.M.P.
9. All fish material must be buried immediately, at a depth of at least two feet beneath the surface and not within one hundred feet of a beach or shore line or water well.
10. No Refuse, fish material, leaves, branches, ashes, liquid matter, discarded appliances or furniture shall be allowed to remain longer than 1 day in any building, yard or on any premises. All such items shall be properly disposed of under the provisions of this By-Law.
11. Any person who does not properly dispose of items in violation of paragraph 10 is guilty of an offence under this By-Law.
12. Should paragraph 10 not be complied with, the Company may discard the offending items at the expense of the violator.
13. When deposited within a building, all ashes shall be placed on a non-combustible floor and when deposited outside, all ashes shall be placed at least 15 feet from any wooden structure or other combustible material or placed in a fireproof container or pit.
14. No person shall leave or dispose of any broken glass, bottles, cans or similar items on or in any place except in a manner designated by an Officer.
15. Any person who violates any of the provisions of this By-Law shall be guilty of an offence and shall be liable on a summary conviction to a fine not exceeding one thousand (\$1,000.00) dollars, or imprisonment for a term not exceeding thirty (30) days, or both.
16. The Chief and Council reserve the right to revisit this issue and amend the By-Law at a regularly convened Chief and Council Meeting of the White Bear First Nation.