

**KITIGAN ZIBI ANISHINABEG BY-LAW # 18**

**Community Aquifer Zone**

**By-law # 18 of the Kitigan Zibi Anishinabeg  
Community Aquifer Zone**

*Whereas* the Council of the Kitigan Zibi Anishinabeg First Nation desires to make a by-law governing a Community Aquifer Zone and prohibition of human activity in this zone

*And Whereas* the Council of the Kitigan Zibi Anishinabeg First Nation is empowered to make such By-law pursuant to Section 81 subsection 81 (1) (g), (q) and (r) of the Indian Act;

*And Whereas* it is considered expedient and necessary for the benefit, health and safety of the inhabitants of the Kitigan Zibi Anishinabeg First Nation community to have a Community Aquifer Zone By-law;

*Now Therefore* the Council of the Kitigan Zibi Anishinabeg First Nation hereby makes the following By-law;

**Short Title:**

1. This by-law may be cited as the "*Community Aquifer Zone*" By-law.

**Interpretation:**

2. In this by-law:

**"Band"** means the Kitigan Zibi Anishinabeg Band.

**"Council"** means the Council as defined in the Indian Act, of the Kitigan Zibi Anishinabeg Band.

**"Person"** includes an individual (registered and non registered KZA member), an association a chartered organization, a firm, a partnership and a corporation.

**"Reserve"** means the Kitigan Zibi Anishinabeg reserve # 73.

**"Waste"** includes garbage, liquid and semi-liquid substances, landfill and scrap of all kinds any combination of the foregoing.

**"Contaminated soils"** means soils which are artificially or contaminated and/or which are mixed with clean soils. This includes man-made contaminated soils.

**“Aquifer”** means a geological formation containing ground water which supplies water for a community well.

**Application of By-law:**

3. (1) The provisions of this by-law apply to the lands held by the Kitigan Zibi Anishinabeg Band for the use and benefit of the Kitigan Zibi Anishinabeg Membership as shown in: Schedule A”
- (2) Schedule “A”, which is hereto attached, is a part of this by-law as fully and to all intent and purposes is to be read as though recited therein. Schedule A includes: KZA lots 18 and 18B, 19 and 19B, 20 and 21.

**Administrator:**

4. The Council may, by resolution designate a person to be called “Administrator” to monitor compliance of this by-law, provide information to the Band Council and lay formal charges when this by-law has been breached.

**Prohibition:**

5. No person shall:
  - (a) engage in any business or activity within the aquifer zone
  - (b) engage in any business other than for hunting and gathering purposes
  - (c) store or dispose of waste including burning of waste in the aquifer zone
  - (d) no person shall use the designated aquifer zone for the storage/disposal, treatment, used land fill (engineered, trench, construction of demolition) tailing area of final disposal of contaminated soils, hazardous materials, corrosive material, flammable materials or gaseous, and any other type of toxic/noxious substance or material.
  - (e) for the storage or disposal of any type of equipment

**Offence:**

6.
  - (a) A person who uses the designated aquifer zone contrary to any provision of this by-law commits an offence
  - (b) A person who contravenes this by-law will be required to immediately cease

activities as well as carry out and cover all costs related to a clean-up of the site as well as all present and future impacts on the designated aquifer zone.

(c) A person who interferes or obstructs the work of the designated "Administrator" in the application of this by-law commits an offence.


**Appeal and Remedies:**

7. Any person who has been charged under this By-law may appeal the charge by sending a written notice of appeal to the KZA Band Council within 5 calendar days of having been served with a formal charge.
8. The appeal shall be reviewed by the KZA Band Council and a response provided to the person or persons charged within 10 working days of the receipt of the appeal.

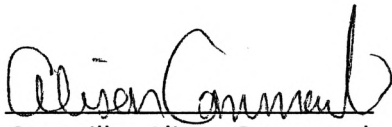
**Penalties:**

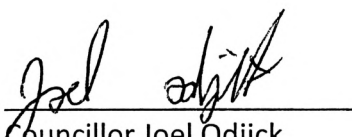
9. Every person who violates this by-law is liable on summary conviction and to a fine not exceeding \$1000 or to imprisonment for a term not exceeding 30 days or to both.

THIS BY-LAW IS HEREBY adopted at a duly convened meeting of the Kitigan Zibi Anishinabeg Band Council this 10<sup>th</sup>, day of February 2014 and shall come into force on February 14, 2014.

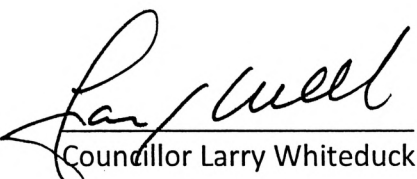
  
Chief Gilbert W. Whiteduck

  
Councillor Bill Ottawa

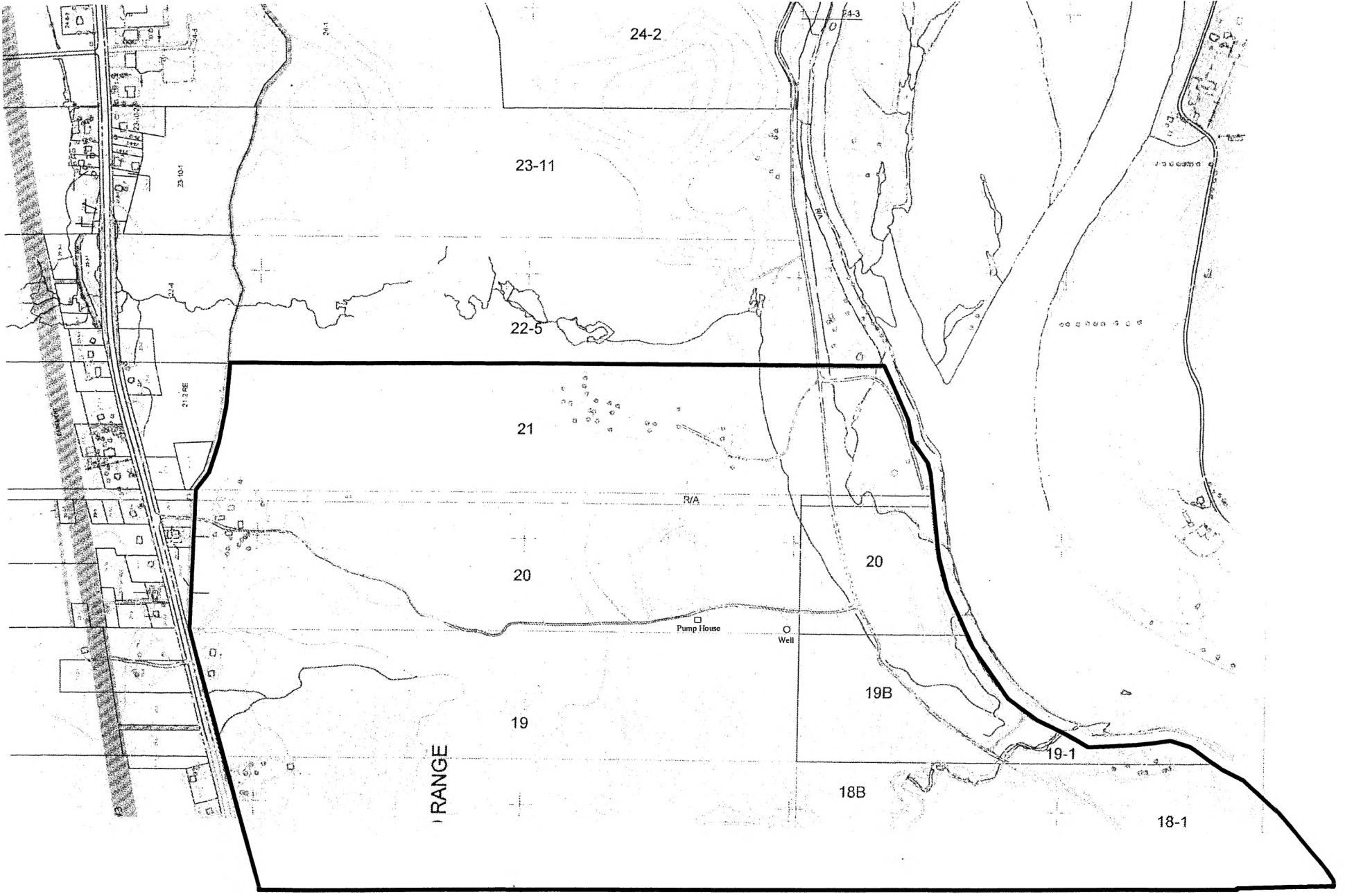
  
Councillor Alison Commando

  
Councillor Joel Odjick

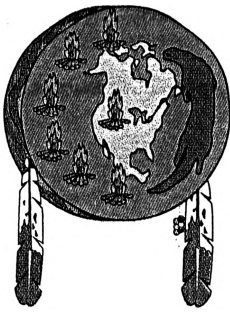
\_\_\_\_\_  
Councillor Claudette Commanda

  
Councillor Larry Whiteduck

\_\_\_\_\_  
Councillor Caitlin Tolley



RANGE



# KITIGAN ZIBI ANISHINABEG

P.O. Box 309, Maniwaki (Quebec) J9E 3C9

Tel: (819) 449-5170  
Fax: (819) 449-5673

Chronological No. - Numéro consécutif

**BCR No. 72**

## BAND COUNCIL RESOLUTION RÉSOLUTION DE CONSEIL DE BANDE

DATE	<b>10</b>	<b>FEBRUARY</b>	<b>2014</b>
	DAY - JOUR	MONTH - MOIS	AD 20 YEAR - ANNÉE

At a duly convened meeting held by the Kitigan Zibi Anishinabeg Council on February 10, 2014, the following resolution was enacted:

WHEREAS the Kitigan Zibi Anishinabeg Band Council wishes to adopt a by-law governing a Community Aquifer Zone and prohibition of human activity in this zone with the matter arising out of or ancillary to the exercise of powers under section 81 of the Indian Act and to the imposition of a penalty for a violation thereof;

WHEREAS the Kitigan Zibi Anishinabeg Band Council is empowered to make such By-law pursuant to Section 82 subsection 81(1) g, q, r of the Indian Act;

WHEREAS it is considered expedient and necessary for the benefit, health and safety of the inhabitants of the Kitigan Zibi Anishinabeg First Nation to have a Community Aquifer Zone By-law;

THEREFORE BE IT HEREBY RESOLVED THAT the Kitigan Zibi By-law No. 18 – A Community Aquifer Zone by-Law be accepted as presented and attached.


**ADOPTED**

A quorum for this Band  
Pour cette bande le quorum est

consists of **4**  
fixé à

Council Members  
Membres du Conseil

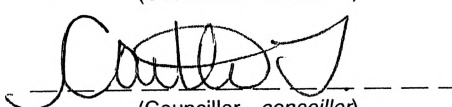
  
(Chief - Chef)

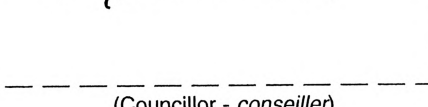
  
(Councillor - conseiller)

  
(Councillor - conseiller)

  
(Councillor - conseiller)

  
(Councillor - conseiller)

  
(Councillor - conseiller)

  
(Councillor - conseiller)