

**BY-LAW N<sup>o</sup> 19**

**BEING A BY-LAW TO AMEND  
BY-LAW NO. 17**

**A BY-LAW FOR WASTE DISPOSAL  
and  
ENVIRONMENTAL PROTECTION**

**WHEREAS** section 81, paragraphs (a), (d), (q) and (r), of the *Indian Act* empower the Council of a Band of Indians to pass by-laws to provide for the health of residents on the reserve, the prevention of nuisances, the protection against and prevention of trespass by domestic animals, matters arising out of or ancillary to the exercise of powers under this section, and the imposition of a penalty for the violation of any such by-law;

**AND WHEREAS** the Council of the Band did enact By-Law N<sup>o</sup> 17 on the 10<sup>th</sup> day of February, 2014 respecting Waste Disposal and Environmental Protection;

**AND WHEREAS** the said Council deems it to be expedient and in the best interests of the residents of the Kitigan Zibi Anishinabeg Reserve to amend the said by-law;

**NOW THEREFORE** the Council of the Kitigan Zibi Anishinabeg Band enacts the following amendment to By-law N<sup>o</sup> 17:

New sections regarding violation and penalties are added as follows:

**Section 5. Violations and Penalties**

The administrator designated by the Kitigan Zibi Anishinabeg Band Council can issue a “clean-up order” which is appealable to the KZA Band Council as per section 13 and 14 of this by-law amendment.

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11. Where a person is charged with:
  - (a) operating a garbage dump on the Kitigan Zibi Anishinabeg Reserve or using land on the reserve for the disposal or storage of waste except under authority of a permit issued pursuant to section 7(a) or (b);
  - (b) disposal or storage of contaminated soils;
  - (c) burning of waste on land in the Kitigan Zibi Anishinabeg Reserve except under authority of a permit issued pursuant to section 7(b).

The Kitigan Zibi Anishinabeg Band Council may order that person to close and clean up the dump or to clean up the land in a manner satisfactory to the Band Council.

#### **Compliance with Orders:**

12. Any person who has been ordered by the Kitigan Zibi Band Council to do anything pursuant to section 10 or section 11 shall have a period of 30 calendar days to comply with the order.

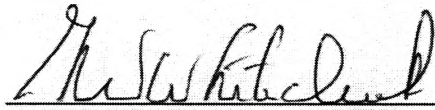
#### **Appeal and Remedies:**

13. 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.
14. The appeal shall be reviewed by the KZA Band Council and a response to the person or persons charged within 10 working days of the receipt of the appeal.

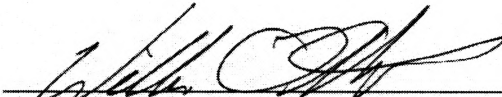
#### **Penalties:**

15. Every person who violates this by-law is liable on summary conviction and to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 30 days or to both.
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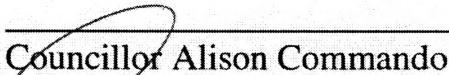
This amendment to By-law N° 17 is adopted this 14<sup>th</sup> day of October 2014 at a duly convened meeting of the Kitigan Zibi Anishinabeg Band Council.



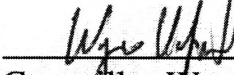
Chief Gilbert W. Whiteduck



Councillor Bill Ottawa



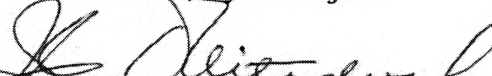
Councillor Alison Commando



Councillor Wayne Odjick



Councillor Claudette Commanda



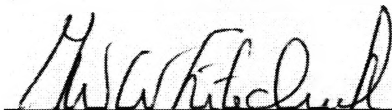
Councillor Jean-Guy Whiteduck



Councillor Frankie Cote

The quorum is set at 4

I, Gilbert W. Whiteduck, Chief of the Kitigan Zibi Anishinabeg Band do hereby certify that an original of the foregoing amendment to By-law N° 17 was mailed to the Minister of Aboriginal Affairs and Northern Development pursuant to subsection 82(1) of the *Indian Act*, this 14<sup>th</sup> day of October 2014.



Chief Gilbert W. Whiteduck