

By-law Number 2002-04
Being a By-law to repeal and replace By-law No. 1998-04
Enacted on the 8th day of June, 1998
Being a By-law Respecting Waste on the Reserve

WHEREAS section 81, sub-paragraphs (a), (q) and (r), of the *Indian Act, R.S. 1985, C-5, as amended* (herein, '*Indian Act*') empower the Council of an Indian Band to pass by-laws to provide for the health of residents on the Reserve, in addition to matters arising out of or ancillary thereto, and the imposition of a penalty for the violation of any such by-law;

AND WHEREAS the Council of the Louis Bull Band is desirous of making a by-law with respect to waste on the Reserve, the storage and disposal of waste, including the operation of garbage dumps and the burning of waste;

AND WHEREAS the Council of the Band did enact By-law Number 1998-04 on the 8th day of June, 1998 and wishes to repeal the said By-law Number 1998-04 and replace it with this By-law.

THEREFORE, the Council of the Louis Bull Band enacts this Refuse By-law, Number:

1- SHORT TITLE

This by-law may be cited as the "Louis Bull Refuse By-law" and is referred to herein as 'By-law'.

2- DEFINITIONS

In this By-law

"*Band*" means the Louis Bull Band, as defined by Section 2 of the *Indian Act*;

"*Council*" means the Council of the Louis Bull Band, as defined in the *Indian Act*;

"*person*" means an individual, an association, a chartered organization, a firm, a partnership and a corporation;

"*Reserve*" means Louis Bull Indian Reserve No.138B;

"*waste*" includes garbage, junk, paper, rubbish, trash, liquid and semi-liquid substances, landfill and scrap of all kinds and any combination of any of the foregoing; and without limiting the generality of the foregoing, includes bodies or parts of automobiles or other vehicles or machinery, household goods or furnishings or parts thereof, construction material, scrap iron or other metals, or domestic or industrial wastes of any kind whatsoever.

3- APPLICATION

This By-law applies to all lands within the geographic limit of Louis Bull Reserve No.138B.

4- PROHIBITION

- (1) Other than as permitted by Band Council resolution, no person may engage in any business involving the storage or disposal of waste, including the operation of garbage dumps and the burning of waste on the Reserve.
- (2) Council approval in writing must be firstly obtained prior to any person using or depositing waste at the Louis Bull waste and garbage disposal site.
- (3) No person shall permit any part or portion of the Reserve occupied, used, leased or otherwise in his possession or under his control to be or to become unsightly by permitting waste to remain or accumulate on any part of such Reserve.
- (4)
 - (a) Where, in the opinion of Council, lands within the Reserve are unsightly by virtue of waste having accumulated, the Council may direct that a written notice (herein 'Notice') be given to the resident and/or occupier of such lands to have the lands cleaned of all offensive material or waste within the specified time period set out therein.
 - (b) The Notice shall be:
 - (1) delivered by personal service upon the person named therein; or
 - (2) posted in a conspicuous place at the Louis Bull Tribal Administration building.
 - (c) Failure by a person to comply with the directions given by Council in the Notice referred to in Section 3 shall be deemed to be a violation of this By-law.

15- PENALTY

Every person who contravenes any of the provisions of this By-law is guilty of an offence and is liable on summary conviction to a fine of not more than \$1,000 or to imprisonment for a term not exceeding thirty (30) days or to both.

16- REPEAL

By-Law number 1998-01 enacted on the 8th day of June, 1998, and being a By-law to regulate the care and control of animals on the Reserve, be and the same is hereby repealed.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Louis Bull Band this 9th day of October, 2002.

Voting in favour of the By-law are the following members of the Council:



(Member of the Council)



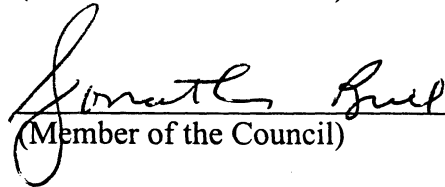
(Member of the Council)



(Member of the Council)



(Member of the Council)



(Member of the Council)



(Member of the Council)

(Member of the Council)



(Member of the Council)

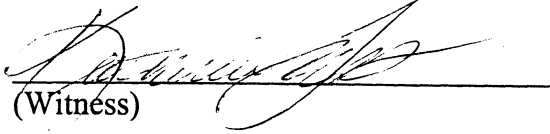
(Member of the Council)

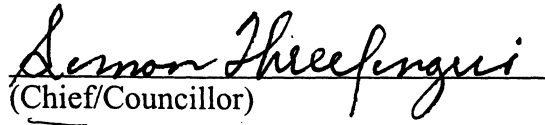
being the majority of those members of the Council of the Louis Bull Band present at the aforesaid meeting of the Council.

The quorum of the Council is five (5) members.

Number of members of the Council present at the meeting: 8.

I, Simon Threefingers Chief/Councillor of the Band, do hereby certify that a true copy of the foregoing By-law was mailed to the Minister of Indian and Northern Affairs Canada at the _____ office of the department pursuant to subsection 82(1) of the *Indian Act*, this 9th day of October, 2002 .


(Witness)


(Chief/Councillor)