

Int. J. Feb. 28/17

**The Saugeen First Nation No. 29. By Law No.10-2-2017
BEING A BY-LAW TO AMEND AND REPLACE BY-LAW No. 10-2012 LOCAL
WORKS
DISPOSAL OF GARBAGE AND WASTE ENACTED ON THE 2010/04/14 EFFECTIVE
DATE 2010/05/26**

WHEREAS the Council of the Saugeen First Nation No. 29 desires to repeal and replace a by-law for the collection and disposal of garbage on the Saugeen Indian Reserve No. 29. and Chief's Point Indian Reserve No. 28. with respect to any matter arising out of or ancillary to the exercise of powers under Section 81, and the imposition of a penalty for the violation thereof ;

AND WHEREAS the Council of the Saugeen First Nation No. 29. is empowered to make such amendments to existing by-law pursuant to paragraph 81(1)(a), (d), (q), and (r) of the Indian Act;

AND WHEREAS the Council of the Saugeen First Nation did enact by-law No. 10-2010 on the 14th of April 2010 titled Local Works -- Disposal of Garbage and Waste, and wishes to repeal and amend this existing by-law number 10-2012 and replace it with this by-law No. 10-2-2017.

AND WHEREAS the said Council is of the opinion that such By-Law is not required at this time;
This By-law will supersede any previous related By-law pertaining to Disposal of Garbage and Waste.

NOW THEREFORE the Council of the Saugeen First Nation hereby makes the following amendment by-law;

(1) Schedule II

Paragraph (3) is repealed and the following substituted thereof:

- 1. Recreational Service Fees increase of 3% per year commencing April 1st 2017.**
- 2. Commercial Service Fees increase of 3% per year commencing April 1st 2017.**

Short Title

- 1. This By-Law may be cited as the "Saugeen First Nation Garbage Collection Services and Disposal By-Law"*

Interpretation

2. In this By-Law,

"Approval enclosure" means a type of enclosure designed for the storage of containers between collection times that prevents access to the garbage by domestic animals and wildlife and the design and construction of which has been approved by the Sanitation Administrator;

"Collection" means the removal from a premises to a disposal location whether such removal is effected by the Sanitation Administrator or a Contractor under public or private contract, or an owner;

"Service Fees" means a payment for collection and other services provided by the Saugeen Band under the authority of this by-law.

"Container" means a type of garbage container listed in Schedule I that has been designed by the Sanitation Administrator of the reserve as being acceptable for use in the reserve or at specific locations on the reserve.

"Council" means the council of the Saugeen First Nation No. 29.

"Garbage" means and kind of waste including

- (a) bulky waste, being large items of refuse including appliances, furniture, vehicle parts under 35 kg. large containers and tree cuttings not exceeding 1 m in length or 10cm in diameter, in bundles not exceeding 35 kg.
- (b) construction and demolition wastes, being waste building materials and rubble resulting from construction, repair, remodeling or demolition activities,
- (c) liquid waste, being waste materials or substances that have sufficient moisture or other liquid contents to be free flowing but that are not suitable for disposal through a sewer system,
- (d) rubbish being
 - (i) combustibles, consisting of burnable materials such as paper, rags, cartons, boxes, wood excelsior, bedding, rubber, leather and plastics, and
 - (ii) non-combustibles, consisting of materials that are not burnable such as metal objects and containers, ceramics, metal foils and glass,
- (e) solid wastes, being the useless, unwanted or discard solid waste materials resulting from normal human activities including semi-liquid or wet wastes with insufficient liquid content to be free flowing ,
- (f) special waste, being
 - (i) hazardous wastes, consisting of any waste that may present a hazard to persons, flora fauna or public lands, including waste of a pathological, an explosive, a highly flammable, a radioactive or a toxic nature,
 - (ii) sanitary wastes, consisting of any putrescible waste that is capable of producing conditions that may present a hazard to health,
 - (iii) natural waste, consisting of tree stumps, soil, sand and stone, and

- (iv) other special waste, consisting of materials so classified by the sanitation Administrator,
- (g) trade waste, being petroleum products, scrap metal, machinery and vehicles and parts thereof, and
- (h) yard rubbish, being pruning's, grass clippings, weeds, leaves, and general garden wastes, other than solid wastes;

"*Owner*" means any person who has possession of land or a building on the Saugeen First Nation including leased land;

"*Reserve*" means the reserve of the Saugeen First Nation no. 29. including Chief's Point No. 28.;

"*Street*" means that portion of any thoroughfare, road, lane, avenue, parkway, viaduct, alley, square bridge, causeway, trestleway, or any other place, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage of parking of motor vehicles but does not include sidewalks, ditches, or right-of-way adjacent to a roadway;

"*Sanitation Administrator*" means the Sanitation Administrator of the Reserve duly appointed by the Council under this by-law to enforce and carry out the provisions of this by-law;

Schedule

3. The following Schedules form part of this by-law;

Schedule I – Types of Garbage Containers

Schedule II – Collection Service Fees

Sanitation Administrator

- 4. (1) The Council may, by resolution appoint one or more Sanitation Administrators, who shall be responsible for the administration of this by-law;
- (2) The Council may, in the resolution, provide for reasonable remuneration to be paid to a Sanitation Administrator.

Powers and Duties of the Sanitation Administrator

- 5. (1) A Sanitation Administrator shall
 - (a) answer such questions as relate to the administration of this by-law; and
 - (b) perform such other duties as may be assigned by the Council from time to time.

- (2) A Sanitation Administrator may order
- (a) a person who contravenes this by-law or any other applicable by-law to comply the by-law within a specified time period;
 - (b) the termination of any activity or part thereof, if the activity is proceeding in contravention of this by-law or any other applicable by-law;
 - (c) the termination of any activity of part thereof, where there are unsafe or unsanitary conditions present;
 - (d) the correction of any unsafe or unsanitary conditions;
 - (e) the removal of any garbage or part thereof disposed of in contravention of this by-law or other applicable by-law; and
 - (f) the termination of any disposal if any unsafe or unsanitary conditions exist.
- (3) The Sanitation Administrator may direct that sufficient evidence or proof be submitted at the expense of the owner to determine whether any method of disposal or container meets the requirements of this by-law.
- (4) When due notice to correct unsafe conditions or activities has not been complied with, the Sanitation Administrator may make correct such conditions at the expense of the owner.

Collection of Garbage

6. (1) The Council may provide for the collection of garbage by a garbage collector in the areas of the subdivisions and at such times as it deems advisable.
- (2) Every owner for whose premises a collection is provided shall pay for such disposal in accordance with the provisions of Schedule II and at such times as the Council or the Sanitation Administrator may designate.

Duties of an Owner

7. Every owner shall
- (a) provide and maintain in a serviceable and sanitary condition a sufficient number of containers to hold all garbage accumulated on his premises at any time;
 - (b) subject to paragraph (h), (i) and (k), ensure that all garbage is placed, and remains, in containers that are of a type set out in column I of an item of Schedule I and that meet the specifications set out in column II of that item;
 - (c) drain and wrap all wet garbage before placing it in a container;
 - (d) ensure that containers are set for collection at such places and such times and in such a manner as the Sanitation Administrator may designate;
 - (e) remove all containers from their designated location on any street within such period as may be specified by the Sanitation Administrator;
 - (f) ensure that all rigid metal containers and disposal plastic bag type containers are securely closed when set out for collection;

- (g) store garbage between collection times in approved enclosures except when the Sanitation Administrator allows the use of steel refuse containers without enclosure;
- (h) securely tie in bundles any combustible rubbish set out for collection in accordance with any instructions of the administrator;
- (i) prepare yard rubbish for collection in accordance with any instructions of the sanitation Administrator;
- (j) extinguish all ashes or coals before setting them out for collection;
- (k) ensure that bulky waste are not set out for collection except at such times as may be determined by the sanitation Administrator;
- (l) Ensure that liquid waste, trade waste, special waste, and construction and demolition waste are not set out for collection except at such times as may be determined by the Sanitation Administrator; and
- (m) Keep the street, sidewalk and boulevard abutting in front of, flanking and at the rear of the owners premises, free of garbage.

Escape of Garbage from Vehicles

- 8. (1) No person shall convey or cause to be conveyed any garbage in vehicle that is not properly constructed and covered so as to prevent the contents thereof from escaping.
- (2) In the event of an escape of garbage from any vehicle the owner of the vehicle shall be responsible for the immediate clean-up.

Yard Rubbish

- 9. (1) Subject to subsection (2), no person shall deposit any yard rubbish on a sidewalk or a street.
- (2) Where the Sanitation Administrator has made an arrangement for the collection of yard rubbish on a sidewalk or a street on a day specified by the Sanitation Administrator, a person may deposit yard rubbish on that sidewalk or street on that day if the yard rubbish does not impede pedestrian or vehicular traffic.

Disposal of Garbage

- 10. No person shall discard or dispose of or deposit garbage anywhere on the reserve except in such places as cited in the **Indian Reserve Waste Disposal Regulations C.R.C., c. 960.**

Garbage on Premises

- 11. No owner shall accumulate or allow to accumulate any garbage on his premises.
- 12. No person shall undertake disposal of any garbage or authorize or allow disposal of any garbage on the reserve.

Offence

13. (1) A person who

- (a) fails or refuses to comply with any provision of this by-law;
- (b) submits false or misleading information to a Sanitation Administrator, or
- (c) interfere with or obstructs a Sanitation Administrator acting in the administration or enforcement of this by-law;

commits an offence.

(2) Where an act or omission in contravention of this by-law continues for more then one Day during which it continues, and may be punished as such.

Penalty

14. Every person who commits an offence under this by-law is liable on summary conviction to a fine not exceeding \$1000.00 or to imprisonment for a term not exceeding 30 day or both.

THIS BY-LAW IS HEREBY MADE at a duly convened meeting of the Council of Saugeen First Nation Band on the 6th day of March 2017.

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

Member of the Council Randal Bonte

Member of the Council Steven Kautzfeld

Member of the Council James Reed

Member of the Council Ken Bonte

Member of the Council [Signature]

Member of the Council _____ *CPH*

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 Saugeen First Nation Band present at the aforesaid meeting of the Council.

The quorum of the Council is 5 members.
Numbers of members of the Council present at the meeting (**6**).

I, **Herman A Roote / Land Manager**, Chief/Councillor of the Saugeen Band, do hereby certify that a true copy of the foregoing by-law is publically posted in the Saugeen News Letter and on the Saugeen First Nations Website this **13th** day of March 2017.

Herman Roote
LESTER ANDRUCIO
(Witness)

Herman A. Roote

(Chief/Councillor)

SCHEDULE I

Column I

Column II

Type of Garbage Container

Specifications

(1) Rigid metal or plastic
maximum height;

70 cm

40 mm maximum diameter;
150l maximum capacity;
35 kg maximum weight when
Full; tight fitting, waterproof
Cover; two carrying handles
Permanently affixed to the sides.

(2) Steel refuse containers

Well fitting and easily operated
Covers; painted outside; proper
Brackets for disposal vehicle
Attachment; free from cracks
Or major dents; proper base
Stands or wheels; of a size
Approved by the Sanitation
Administrator.

(3) Disposal Plastics Bags
(may be used only for containing
waste are stored inside of an proved
Enclosure)

close fitting, waterproof,
thickness of 3/1000 inches
(.0762mm); maximum
Height of 100 cm; maximum
Width of 70 cm; maximum
Weight when full, 25 kg;
Free from holes, tears or other
damage.

SCHEDULE II

(1) An owner shall pay the following for a collection Service and other Services provided by the Saugeen Band under the authority of this by-law:

(2) Other services include, fire protection, road maintenance, landfill site maintenance, recycling, policing, emergency services, and street lighting.

Recreational:

(3) **3% increase** per year commencing April 1st 2017.

Commercial:

3% increase per year commencing April 1st 2017.

(4) Further, a late payment charge of a \$100.00 will be applied May 1st should the Service Fee charge remain unpaid for 30 days, and 1.5% interest per month will be applicable thereafter.