

BY-LAW NO. ROB- 2015.1

ODANAK BAND

RESOLUTION TO REPEAL AND REPLACE BY-LAW NO. GOB-2001-4 REGARDING WASTE DISPOSAL ON THE ODANAK RESERVE

WHEREAS the Odanak Band Council wishes to make a by-law for governing the removal and disposal of waste on the Odanak reserve, and with respect to any matter arising out of or ancillary to the exercise of these powers pursuant to paragraph 81, and for the imposition of a fine or penalty for violation of any such by-law;

WHEREAS that paragraphs 81 (1) g), q) and r) of the *Indian Act* empower the Odanak Band Council to make such a by-law;

WHEREAS it is considered necessary to adopt such a by-law on the reserve to protect the health and safety of residents, prevent the occurrence of diseases and pollution and preserving the aesthetics of the reserve;

AND WHEREAS the Odanak Band Council has enacted by-law No. GOB-2001-4, May 1, 2001, and now wishes to repeal this by-law and replace it with the following by-law;

THEREFORE, the Odanak Band Council hereby enacts the following by-law:

PART I – GENERAL PROVISIONS

SHORT TITLE

1. This by-law may be cited as the: By-law for the removal and disposal of waste on the Odanak reserve.

INTERPRETATIVE PROVISIONS

2. In this by-law:

“director of sanitary services” means the person appointed or designated by the Council and responsible for carrying out and enforcing the provisions of this by-law.

“Council” means the Odanak Band Council.

“waste” means any kind of trash including:

- a. bulky waste, i.e. large discarded items, such as appliances, furniture, as well as branches of less than one meter in length and 10 centimeters in diameter.
- b. liquid waste, which cannot be discarded into a sewer system;
- c. detritus, such as combustible waste, materials impossible to burn such as metal objects and containers, ceramics, metal foil and glass;
- d. solid waste, i.e. unnecessary solid objects which are no longer wanted and which need to be discarded, from ordinary human activity, including semi-liquid or wet waste but insufficiently liquid to run off freely;
- e. yard waste, i.e. pruned branches, grass clippings, weeds, leaves and other garden waste.

“reserve” means the Odanak Band reserve.

“street” means the part of any public road, lane, street, square, bridge, roadway or other place, of private or public property, which the public is ordinarily entitled to use to drive or park a motor vehicle.

“owner” means any person, natural or legal, who owns land or a building on the reserve.

“removal” means the collection and transport of waste to a disposal site by a contractor.

“vehicle” means any vehicle; car, boat, all-terrain vehicles (ATVs), motorcycles, etc.

DIRECTOR OF SANITARY SERVICES

3. The Council may, by resolution, appoint a director of sanitary services, who shall be responsible for the implementation and enforcement of this by-law.

POWERS OF THE DIRECTOR OF SANITARY SERVICES AND THE COUNCIL

4. The director of sanitary services or the Council may:

- a. order any person who contravenes the provisions of this by-law or any other by-law or any applicable regulations to comply within a specified time;

- b. order the cessation of an activity or part of an activity, if it contravenes the provisions of this by-law or any applicable regulations;
- c. order the cessation of an activity or part of an activity, if the said activity is exercised in dangerous or unhealthy conditions;
- d. order that measures be taken to correct unsafe or unhealthy conditions;
- e. order the removal of all waste or part of the waste that was discharged in violation of this by-law or other applicable regulations.

WASTE REMOVAL

- 5. The sanitary services contractor, in consultation with the director of sanitary services or the Council, may make arrangements so that sanitation workers collect waste in areas of the reserve and at times they consider appropriate.

RESPONSIBILITIES OF OWNERS OR TENANTS

- 6. All owners or tenants shall:
 - a. at all times have a sufficient number of containers to hold all the accumulated waste on the property;
 - b. ensure that the waste containers ready to be removed are deposited at the prescribed place and time, i.e. no more than twelve (12) hours prior to collection;
 - c. remove all waste containers from the designated place on the street for collection in the shortest time;

d. ensure that all the metal and plastic containers and all disposable plastic bags are securely closed before being deposited for collection;

e. ensure that bulky waste are not deposited for collection at any other time than that determined by the director of sanitary services or the sanitary services contractor;

f. ensure that the street, sidewalk and median, at the front, side or back of the owner's property are clear of any waste.

WASTE DISPOSAL

7. It is prohibited for anyone to discard or deposit waste on the reserve;

a. It is prohibited for anyone except Odanak residents to discard or deposit waste in the waste container, next to the public works garage.

8. Imposition of rates;

a. All fees collected under this by-law shall be established by the Council, for the purposes identified, from time to time, by the Council.

b. A 2% interest charge per month, starting 30 days after the invoice date, shall be added to the unpaid amount of rates payable under this by-law.

WASTE FOUND ON A PROPERTY

9. It is prohibited for any owner to accumulate or allow the accumulation of waste on his property;

a. No one is allowed to accumulate or allow the accumulation of waste on property in their possession, or to deposit or accumulate on another person's property, garbage, waste, furniture, objects, vehicles, car body parts, tires, yard waste, branches, fuels and organic materials.

- b. The Council or the director of sanitary services may require from the owner, through a written notice, to proceed with, within a reasonable time, the removal of all garbage, waste, furniture, objects, vehicles, car body parts, tires, yard waste, branches , fuels and organic materials from any place within the boundaries of the reserve or accumulated on any property within the boundaries of the reserve.
 - c. If the owner refuses to cooperate and remove to comply with the requirements prescribed in the written notice pursuant to section 10 of the this by-law, the Council or the director of sanitary services may proceed with the removal of all garbage, waste, furniture, objects, vehicles, car body parts, tires, yard waste, branches , fuels and organic materials from any place within the boundaries of the reserve or accumulated on any property within the boundaries of the reserve, and the costs incurred shall then be invoiced to the owner.
10. It is prohibited to deposit, authorize or permit the deposit of solid or liquid waste on the reserve.

OFFENCES

11. (1) Anyone who:
- a. fails or refuses to comply with the provisions of this by-law;
 - b. provides false or misleading information to the Council or the director of sanitary services, or
 - c. impedes or obstructs the activities of the director of sanitary services or the Council in the administration or application of this by-law.

COMMITTING AN OFFENCE

- (2) When the act or omission that contravenes this by-law lasts more than one day, the act or omission shall be considered a separate offense for each day of the duration of the act or omission and each violation shall be punished as such.

PENALTY

12. Anyone who commits an offence under this by-law is liable on conviction on summary conviction to a fine not exceeding one thousand (\$ 1,000) dollars, or to imprisonment for a term not exceeding thirty (30) days, or one or the other of these penalties.

REPEAL

13. By-law No. GOB-2001-4, enacted May 1, 2001, on waste disposal on the Odanak reserve is hereby repealed.

OTHER REMEDIES AVAILABLE

14. Upon violation of this by-law and that a conviction is handed down, the court having handed down the conviction and any other court of competent jurisdiction thereafter may, in addition to other penalties and remedies provided by this by-law, make an order prohibiting the convicted person from continuing or repeating the offense.

THIS BY-LAW IS HEREBY WAS ADOPTED by the Odanak Band Council at a duly convened meeting held on _____.

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

Chief

Council member

Council member

Council member

Council member

Council member

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

The quorum of the Council is 3 members. Number of Council members present at the meeting:
4

I, _____ (Chief/Councillor) do hereby certify that a true copy of the foregoing by-law was mailed to the Minister of Indian Affairs and Northern Development at the regional district office/Gatineau (depending), pursuant to subsection 82(1) of the *Indian Act*, on _____.

Chief/Councillor

Witness