Opaskwayak Cree Nation

Land Law

OCN SOLID WASTE DISPOSAL LAW (OSWD LAW)

Enacted this 11th day of April, 2016

Land Law 2016/003

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OCN SOLID WASTE DISPOSAL LAW (OSWD LAW)

Preamble

LAW OF THE OPASKWAYAK CREE NATION to provide for the collection of household wastes and other household waste materials and to provide for the collection and processing of recyclable materials

WHEREAS Section 6(1) of the *OCN Land Code* and section 20(1) of the *First Nation Land Management Act* authorize the Council to pass laws to regulate the environment for protection purposes

AND WHEREAS the Council of the Opaskwayak Cree Nation deems it advisable and in the best interests of the Opaskwayak Cree Nation to enact a law to provide for the operation and control of a system of collection, removal, disposal and regulation of waste on Opaskwayak Cree Nation lands.

NOW THEREFORE the Council of the Opaskwayak Cree Nation enacts as a law the following:

Chapter 1. General

Section 1.01 Title

(1) This law may be cited as the *Opaskwayak Solid Waste Disposal Law*.

Section 1.02 Intents and Purposes

(1) The objective of this Law is to provide for solid waste management and recycling on the Opaskwayak Cree Nation lands in order to ensure the disposal of waste in an appropriate and healthy manner for the future protection of all Opaskwayak Cree Nation citizens. The Law will focus on where waste is permitted, what kind of waste is permitted, who is permitted to dispose of waste, and how waste can be disposed of on Opaskwayak Cree Nation Lands. This Law provides for waste disposal regulations regarding hazardous and non-hazardous wastes, the administration of waste disposal sites, the prohibition of inappropriate and unsafe activities including burning of waste, requirements for liquid waste and sewage disposal, and the regulation of recycling and alternative disposal for organic wastes.

Section 1.03 Definitions

(1) In this law:

(a) **"animal"** means any living being that is not human

(b) **"animal wastes"** means any part of an animal or its carcass, all organic and inorganic waste material generated by an animal, including but not limited to bone, tissue, blood, urine, feces, but excluding domestic animal wastes

(c) **"ashes"** means the residue from the burning of wood, coal, coke and other like material for the purposes of cooking, heating buildings, and disposing of waste combustible materials, including any substance after combustion and includes partially burnt wood, charcoal or coal, but is not industrial wastes

(d) **"annexed area"** means those annexed lands that the law may apply to that are not officially reserve lands

(e) **"bulky wastes"** means large items of refuse including appliances, furniture, large auto parts, whole or parted out vehicles and large crates

(f) **"*Land Code*"** means the *OCN Land Code* ratified and enacted by the eligible registering voting OCN Citizens of Opaskwayak Cree Nation, as amended from time to time

(g) **"collector"** means a person(s) authorized by the OCN to collect, remove and dispose of refuse

(h) **"collection services"** means residential refuse collection and disposal as detailed in this law and rendered by the OCN or a Collector pursuant to the OCN's Residential Solid Waste Program

(i) **"commercial premises"** means banks, offices, hotels, restaurants, retail stores and other business premises

(j) **"construction and demolition wastes"** means waste building materials and rubble resulting from constructions, remodeling, repair, demolition, mould and water infiltration damage or destruction by fire. This is not related to ashes and refers to building materials and rubble found in buildings, houses or commercial buildings and other structures, and the installation, repair or removal of pavement and like works, particularly, asbestos

(k) **"council"** means the Chief and Council of Opaskwayak Cree Nation

(l) **"domestic animal wastes"** means wastes from household pets including, but not limited to, excrement, used bedding, the contents of litter boxes, but excluding any part of an animal or its carcass

(m) **"environment officer"** means an officer appointed by the OCN for the enforcement of this Act

(n) **"fee"** means any fee as set out in Schedule A to this Law, that may be levied as a utility service charge by the OCN in exchange for the collection, disposal and recycling of refuse, or any administrative fee or penalty levied by the OCN pursuant to this Law

(o) **"hazardous wastes"** means any waste that may present a hazard to a person in contact with such wastes, and includes, but it not limited to, wastes such as propane cylinders, petroleum distillates, light fuels, household waste paints, caustics, acute hazardous waste chemicals, waste crankcase oils and lubricants, inorganic chemicals, halogenated pesticides and herbicides, non-halogenated organic pesticides and any other wastes of pathological, explosive, highly flammable, radioactive, toxic or acidic in nature including chlorofluorocarbon, ozone depleting substances and asbestos

(p) **"highway"** means a road, parkway, driveway, square or place designed and intended for or used by the general public for the passage of vehicles, but does not include any area, whether privately or publicly owned, that is primarily intended to be used for the parking of vehicles and the necessary passageways on that area

(q) **"household wastes"** means all animal and vegetable waste, whether liquid or solid, including food packaging, matter with residual food materials resulting from the handling, preparation, cooking and serving of foods in households, unusable clothing, sweepings and all waste materials capable of being consumed by fire, wood excelsior, bedding, rubber, leather, plastic, metals, ceramics, glass, and yard wastes

(r) **"industrial wastes"** are solid, liquid, or gaseous waste materials from all industrial or commercial establishments, arising from or incidental to manufacture, processing or like operations in factories, processing plants, industrial processes and manufacturing operations, and includes wastes such as putrescible garbage from food processing plants and slaughterhouses, condemned foods and products, cinders and ashes from power plants and large factories, and miscellaneous manufacturing wastes but does not include ashes

(s) **"inert materials"** means non-toxic materials including demolition refuse, dirt and similar waste material

(t) "***kestāneta uski***" means respect the land (i.e., do not misuse or destroy the land)

(u) **"law"** means this *Opaskwayak Solid Waste Disposal Law*

(v) **"litter"** means animal and agricultural wastes, domestic animal wastes, liquid and semi-liquid wastes, dead animals, ashes, garbage, construction and demolitions wastes, industrial refuse, rubbish, solid wastes or refuse, motor vehicle parts including parted and partially scrapped vehicles, scrap metal, and special wastes, including, but not limited to, street cleanings, containers, packages, bottles, cans or parts thereof, and any deserted or discarded articles, products or goods of manufacture

(w) **"litter bins"** means a container provided for the purpose of collecting litter, refuse or garbage

(x) ***"mamawekamatowin"*** means going to deal with things together

(y) ***"manacheta kituskinaw"*** means taking care of our land

(z) **"multiple dwelling development"** means a residential development or any development containing 3 or more dwelling units on a single legal parcel of land

(aa) **"occupant"** means a person occupying, but not owning, a residence that receives or is eligible to receive Collection Services

(bb) "***ochiniwin***" means a person will not torture something unnecessarily, but if you must kill something (i.e., an animal) then do so, but do not torture it in the process.

(cc) ***"onaschekāwina"*** means our sacred laws

(dd) **"OCN"** means the Opaskwayak Cree Nation or, where the context so requires, the area contained within the boundaries of the Lands of the Opaskwayak Cree Nation

(ee) **"OCN Law"** means any Law, Act, by-law, or regulation over which OCN has legislative authority to enact

(ff) "***pastahowin***" means the breaking of a physical law that will result in fate or destiny following as an effect from your actions and will affect you, your loved ones and community

(gg) **"peace officer"** means a person employed for the purposes of preserving and maintaining the public peace, and includes:

(i) an OCN appointed Enforcement Officer

(ii) an OCN Environment Officer

(iii) a federally or provincially appointed Special Constable or Community Peace Officer, and

(iv) any other person authorized by OCN to enforce OCN Law in accordance with his or her appointment

(hh) **"person"** includes any individual, corporation, society, association, partnership or firm

(ii) **"private waste disposal ground"** means a private waste disposal ground that is used by a private individual or corporation

(jj) **"public place"** means any area that is used or held out for use by the public

(kk) **"recyclable"** means any item of household waste that OCN deems expedient to separate from the waste stream and includes mixed paper, corrugated cardboard, newsprint, magazines, catalogues, flyers, telephone or other soft cover books, rigid plastics, plastic milk jugs or waxed cardboard milk containers, glass bottles and jars, aluminum steel and tin cans or other similar material as the Director from time to time deems suitable for Collection Services.

(ll) **"refuse"** means rubbish or garbage and includes combustibles, consisting of miscellaneous burnable materials such as paper, rags, cartons, boxes, wood excelsior, bedding, rubber, leather and plastics, non-combustibles consisting of miscellaneous materials that are not burnable, such as tin cans, metals, ceramics, metal foils and glass, and yard rubbish, consisting of prunings, grass clippings, weeds, leaves, general garden wastes and tree cuttings, exclusive of solid wastes otherwise classified herein including:

(i) Organics

(ii) Recyclables

(iii) Broken dishes, rags, unwanted clothing, waste paper, food containers

(iv) Non-recyclable tins, glass and plastic

(v) Hypodermic needles packaged to allow safe handling without special equipment or clothing

(vi) Luminescent gas filled tubes that are pre-broken or encased in a container of sufficient size and strength to protect from breakage and allow safe handling without special equipment or handling, and other sharp objects or broken glass packaged to allow safe handling without special equipment or clothing, but not including:

a) Manure

b) Tree stumps, roots, turf and earth

c) Furniture and major household appliances

d) Discarded auto parts

e) Such waste matter as may accumulate as a result of building construction, renovation or repair

f) Any substance that may be considered dangerous or hazardous under the provisions of any applicable legislation and

g) Any highly combustible or explosive waste, including, but without limiting the generality thereof, such materials as powder, dynamite, motion picture film, hot ashes, or toxic materials

(mm) **"section"** means a section of this Law

(nn) **"solid waste"** means refuse, trade refuse, litter, inert materials and industrial waste and includes the useless, unwanted, or discarded solid materials resulting from normal community activities, including semi-liquid or wet wastes with insufficient moisture and other liquid content to be free flowing and suitable for disposal by sanitary landfilling

(oo) **"standard bag"** means a plastic bag that is typically used to dispose of refuse

(pp) **"street"** means the portion of any road right of way, including a lane, normally intended for vehicle passage

(qq) **"trade refuse"** is refuse from establishments considered to be institutional, commercial or industrial in accordance with the OCN Law

(rr) **"violation ticket"** means an OCN issued violation ticket that alleges an offence and provides a person with the opportunity to pay an amount to the OCN in lieu of prosecution for the offence

(ss) **"yard waste"** means wastes that consist of leaves, grass and garden wastes, excluding any tree trimmings

(tt) ***"wakotawin"*** – being related to everything; including the land and everything on it.

Chapter 2. PART II – LITTER

Section 2.01 Application

(1) This law does not apply to practices that are in compliance with any licences or permits issued by the OCN pursuant to OCN Acts, regulations or orders made there under.

Section 2.02 Prohibition against Littering

(1) No person shall deposit or leave or cause or permit the depositing or leaving of litter upon any land water or ice, unless:

(a) The property is designated by the OCN as an area for the disposal of litter, and such litter is disposed of in accordance with the rules and regulations pertaining thereto

(b) The litter is placed into litter bins

(c) The litter is deposited in a location designated for this purpose by the local authority having jurisdiction during special clean up days

(d) The depositing or leaving is the result of an emergency

(e) The litter is placed for normal pick-up service by the OCN for removal to the landfill.

Section 2.03 Responsibility of owner or person in control

(1) Every person in possession or in control of OCN land shall ensure that no litter accumulates upon that property as per the principles of *onaschekāwina, wakotawin, pastahowin, ochiniwin, kestāneta uski and manacheta kituskinaw.*

(2) Every person in possession or in control of OCN land shall ensure that no litter blows, or is otherwise carried, from that property onto a public place, street, highway or other OCN property.

Section 2.04 Litter Bins

(1) The OCN shall provide adequate litter bins in prominent and easily accessible locations in public places within its jurisdiction and shall be responsible for the servicing and maintenance of these bins.

(2) Owner and tenants in lawful control of a public place shall provide litter bins in appropriate and easily accessible locations and shall be responsible for the servicing and maintenance of these bins.

Section 2.05 Responsibility of motor vehicle operator

(1) Every person operating a motor vehicle shall ensure that no load or part of a load on that vehicle blows or falls upon any street or highway or adjacent property.

Section 2.06 Burning of waste prohibited

(1) Unless specifically authorized by notice or any law or regulation of the OCN, no person shall start, permit or maintain a fire, whether indoors or outdoors or whether in an incinerator or otherwise for the burning of:

(a) Solid waste materials/refuse, litter

(b) Recyclables (specifically but not limited to plastics and tires)

(c) Hazardous waste

(d) Yard waste between June 1 and November 1

(e) Construction and demolition wastes

(f) Outdoor fires must be continually supervised and controlled by a responsible adult

(g) The person supervising the fire must be capable of controlling, or putting out the fire within five minutes

(h) Any OCN fire official or peace officer may extinguish or order the extinguishing of any fire that is deemed contrary to this law and

(i) The person supervising the fire must take every reasonable precaution to prevent smoke from being generated or becoming a nuisance. The peace officer, fire official or his delegates may extinguish or order the extinguishment of any outdoor fire that is causing a nuisance due to smoke release.

Chapter 3. LANDFILL GROUNDS

Section 3.01 Prohibition

(1) No person shall construct or operate a waste disposal ground without a permit.

(2) For purposes of obtaining site approval and an operating permit, a proponent of a waste disposal ground shall, in advance of any construction on the site, submit to the Land Manager a completed Solid Waste Disposal Grounds proposal in the form required by the Land Authority.

(3) Unless otherwise approved, a proponent shall submit, along with a proposal under sub-section (2), a professional engineering study satisfactory to the Manager that demonstrates the suitability of the proposed site.

(4) Upon receipt of a proposal under subsection (2), the Manager, after reviewing the information, may:

(a) Require the proponent to provide additional information

(b) Request the Land Authority to direct the Environmental Review Panel to conduct a public hearing

(c) Require the proposal to undergo an environmental assessment under applicable OCN Law

(d) Give site approval, with or without terms and conditions

(e) Refuse to give site approval, where in the opinion of the Manager the environmental impact is unacceptable

(f) In the case of (e) and following an environmental assessment under (c) require appropriate mitigation measures to be in place to prevent unacceptable environmental impact.

(5) Where, in respect of a proposed waste disposal ground for which site approval has been given, there is a change of circumstances pertaining to the site or new information is received by the Manager in respect of the site or in respect of the intended operations of the proposed waste disposal ground, the Manager may suspend or withdraw the site approval.

(6) Where a site approval is suspended or withdrawn under subsection (5), the proponent may be required to file a new or an amended proposal under subsection (2).

Section 3.02 Landfill Operator Responsibilities

(1) Unless otherwise specified in the site approval or the operating permit, a landfill operator on OCN lands shall ensure that

(a) Waste or leachate is contained within the boundaries of the waste disposal ground site and do not contaminate groundwater

(b) The waste disposal ground is located

(i) At least 100 metres from any public road or railway, excepting the access road to the waste disposal ground

(ii) At least 400 metres from any dwelling existing at the time the waste disposal ground is established

(iii) At least 1 kilometre from any body of surface water

(iv) At least 400 metres from any cemetery

(v) At least 400 metres from any potable water well

(c) The waste disposal ground is serviced by an all weather access road

(d) There is at least 30 metres of land not used for waste disposal between the active area and the property lines of adjacent properties not forming part of the site.

Section 3.03 Operator's Duties

(1) The operator of a waste disposal ground shall:

(a) Implement control measures as necessary from time to time, or as specified in the operating permit to prevent rodent and insect production and sustenance and

(b) Surround the part of the active area that is operated above grade with a berm constructed to a height at least 0.5 metre higher than the height of the solid waste, unless topographical features provide a natural berm

(c) The operator of a waste disposal ground shall ensure that no burning takes place unless otherwise specified in the operating permit.

Section 3.04 Operation Requirements

(1) Unless otherwise specified in the operating permit, an operator of a waste disposal ground shall ensure that the waste disposal ground is operated in compliance with the waste disposal ground operational requirements as established by the Land Authority.

Section 3.05 Hazardous Wastes

(1) No person shall deposit or accept hazardous wastes into a waste disposal ground except in accordance with *The Dangerous Goods Handling and Transportation Act* of the Legislature of Manitoba and the regulations made under it or any Acts or regulations of OCN.

Section 3.06 Closures

(1) Where a waste disposal ground is permanently closed, the operator shall file a Waste Disposal Ground Closure with the Environment officer in the form as required by the Land Authority.

(2) The Environment Officer may, at the First Nations Lands Registry file notice of a closure received under subsection 1.

Section 3.07 No Construction of Dwellings

(1) No person shall construct a dwelling on a landfill ground or an abandoned landfill ground, or within 400 metres of a landfill ground or an abandoned landfill ground, unless construction of the dwelling is approved by the Land Authority.

Section 3.08 Permit Applications

(1) In this section, "cell" means the area of a waste disposal ground where spreading, compacting and covering of refuse is conducted.

(2) Every applicant for a permit shall apply on a form provided by the Manager and shall forward with his application the information and material specified in this section

(3) An application for a permit authorizing solid wastes to be disposed of in a waste disposal ground shall be accompanied by one or more topographic maps of the proposed site at a topographic map scale of 1:5000 with a maximum of two metre contour intervals, and shall indicate:

(i) The location and boundaries of the proposed site including the legal description of the land
(ii) The proposed landfill area
(iii) The projected life of the landfill
(iv) A completed environmental impact assessment report
(v) Any borrow area
(vi) A typical cross-section of each proposed cell
(vii) The access road
(viii) The on-site road
(ix) The grades for proper drainage
(x) The proposed fencing
(xi) The site security, proposed hours of operation, method for control of litter adjacent land or waterbodies
(xii) The special drainage structures, if necessary
(xiii) The location and depth of any wells and the location of rivers, lakes, streams or other natural bodies of water within one kilometre of the proposed site
(xiv) The surficial geology, water table, hydraulic gradients, and baseline ground water quality in the area
(xv) The location of any irrigation ditch or other irrigation works within one kilometre of the proposed site
(xvi) The location of any streets, roads, highways or railway rights-of-way within 100 metres of the proposed site
(xvii) Any building or structure on or within 500 metres of the proposed site
(xviii) The existing and proposed utilities, pipelines or easements
(xix) An estimate of daily volumes or weights of solid waste
(xx) The existing or proposed land use activities within a one kilometre radius of the proposed site and
(xxi) Any other information that is required by the Manager.

Section 3.09 Issuance

(1) Where the Manager receives an application pursuant to section 9 and is satisfied that the applicant has complied with this law, any other applicable law, by-law or regulation, the traditional practices of OCN, and the Environmental Impact Assessment report has been reviewed and approved, he may issue a permit authorizing the applicant to establish, operate or maintain a waste disposal ground. He shall state in every permit that authorizes the establishment, operation or maintenance of a waste disposal ground whether the waste disposal ground is to be operated in accordance with modified landfill practices or sanitary landfill practices.

(2) Where refuse is disposed of at a waste disposal ground, it is to be disposed of by:

(a) Spreading the refuse

(b) Compacting the refuse in layers

(c) Covering the layers with soil approximately one quarter of the depth of the refuse layer at minimum

(d) Covering the soil mentioned in clause (c) with .5 metres of compacted material and

(e) Using a cover material that shall be free of putrescible material and large objects

(f) Taking into consideration the traditional practice of preservation and making decisions based on the best interests of the next seven generations.

(3) Where a permit authorizes the establishment, operation or maintenance of a waste disposal ground in accordance with sanitary landfill practices, the permit holder shall cause the procedures described in subsection (2) to be carried out not less frequently than three times per week.

(4) Where a permit authorizes the establishment, operation or maintenance of a waste disposal ground in accordance with modified landfill practices, the permit holder shall cause the procedures described in subsection (2) to be carried out not less frequently than the frequency specified in his permit.

(5) The Manager may impose any terms and conditions on a permit:

(a) At the time the permit is issued or

(b) At any time after the permit is issued and may amend, vary, revoke or replace those terms and conditions.

(6) No person to whom a permit is issued pursuant to this section shall fail to comply with the terms and conditions of the permit.

Section 3.10 Location of Landfill Grounds

(1) Unless the permit states otherwise, a landfill ground is not to be located:

(a) Within 500 metres of:

(i) A restaurant, canteen, cafeteria or any other place where food is cooked or prepared for human consumption or is consumed

(ii) Motel, hotel, domestic residence or any other building occupied as a residence or

(iii) A school, church, community centre or recreation facility or similar public building or

(b) At least 100 metres from any public road or railway, excepting the access road to the waste disposal ground

(c) At least 400 metres from any dwelling existing at the time the waste disposal ground is established

(d) At least 1 kilometre from any body of surface water

(e) At least 400 metres from any cemetery or

(f) At least 400 metres from any potable water well.

Section 3.11 Burning of Refuse

(1) Subject to subsection (2), no person shall dispose of refuse by burning at a landfill ground.

(2) Refuse may be disposed of at a landfill ground by burning where the burning of refuse is authorized in the permit issued with respect to the landfill ground.

(3) Where refuse is disposed of by burning pursuant to subsection (2), the burning shall be carried out in accordance with:

(a) Any conditions specified in the permit and

(b) Any other applicable Act or law.

Section 3.12 Prohibition re Disposal

(1) Subject to subsection (2), no person shall, at a waste disposal ground, dispose of:

(a) Automobiles, discarded auto parts or other large metal objects

(b) Pesticides and other hazardous wastes, or any material or thing treated with any of those substances, including the receptacles containing them

(c) Petroleum, petroleum remains or by-products

(d) Refuse that is the remains or by-product of slaughter house operations or

(e) Liquid domestic sewage.

(2) The Environment officer may, in writing, authorize the disposal at a landfill ground, on any terms or conditions he considers advisable, of materials or things mentioned in subsection (1).

(3) No person who, pursuant to subsection (2), is disposing of materials or things mentioned in subsection (1) shall fail to comply with the terms and conditions specified by the Environment officer.

Section 3.13 Transfer Stations

(1) No person shall establish, construct or operate a transfer station without the prior written approval of the Land Authority.

Section 3.14 Blowing of Refuse

(1) Every person who holds a permit to establish or operate a landfill ground shall take all reasonable steps in the circumstances to:

(a) Prevent refuse from blowing away from the site and

(b) Retrieve refuse that has blown away or otherwise left the site.

Section 3.15 Closure of Landfill Ground

(1) Before a landfill ground is to be closed or decommissioned, the holder of the permit respecting the landfill ground shall:

(a) Submit a proposal to the Land Authority with respect to closing the landfill ground that outlines the steps proposed to be taken to protect the environment and

(b) Obtain the prior written approval of the Land Authority to do so.

(2) The proposal mentioned in subsection (1) is to be in the form and contain that information that the Land Authority may require.

(3) The Land Authority may approve the proposal to close the landfill ground and impose any terms and conditions that he considers appropriate to ensure long term protection of the environment and the traditional ecological knowledge and practices of OCN on the approval.

(4) A person mentioned in subsection (1) shall when closing the landfill ground:

(a) Take whatever steps are necessary in the circumstances to protect the environment and

(b) Comply with any terms or conditions specified by the Land Authority pursuant to subsection (3).

Section 3.16 Disposal of Dead Animals and Agricultural Wastes

(1) Dead animals shall only be disposed of in accordance with this Law, other OCN law or traditional OCN ecological knowledge and practices.

(2) No person shall dispose of dead animals except in accordance with this law by a) burial, b) burning by incineration or c) composting.

(3) No person shall dispose of animal waste by incineration or burial unless the disposal does not cause pollution of groundwater, surface water or soil.

(4) Where disposal is by burial it must be:

(a) covered by at least one meter of soil,

(b) be located at least 100 metres from any watercourse, spring, sinkhole, or well;

(c) the disposal site is constructed so as to prevent the escape of any animal waste that causes or may cause.

(5) Where disposal is by composting, the composting site shall be at least 100 metres from:

(a) any surface watercourse, sinkhole, spring or well, and

(b) the operation's boundaries,

and the animal waste is composted in a manner that does not cause pollution of surface water, groundwater or soil.

(6) In the case of an agricultural operation, except as otherwise provided by OCN law, no person shall keep dead animals in or at an agricultural operation unless the dead animals are kept:

(a) In a secure storage room, covered container or secure location; and

(b) Continually frozen or refrigerated, if not disposed of within 48 hours after death.

(7) An animal control officer will ensure that the remains of dead animals, domestic or otherwise, that are deposited in an incineration pit are burned within 48 hours or within such time as is approved by an Environment Officer.

(8) No person shall deposit or accept dead animal waste into an incineration pit except in accordance with this Act and regulations.

Section 3.17 Transportation of Sewage

(1) No person shall carry on the business of transporting and disposing of liquid domestic sewage without a permit issued by the Land Authority authorizing him to do so.

(2) An applicant for a permit pursuant to this section shall:

(a) Apply on a form provided by the Environment officer and

(b) Supply the Land Authority with any information that he may require.

(3) Where the Land Authority has received an application pursuant to this section and is satisfied that the applicant has compiled with this section, he may issue a permit authorizing the holder to carry on the business of transporting and disposing of liquid domestic sewage.

(4) The Land Authority may impose any terms and conditions on a permit issued pursuant to this section:

(a) At the time the permit is issued or

(b) At any time after the permit is issued and may amend, vary, revoke or replace those terms and conditions.

(5) No person to whom to a permit is issued pursuant to this section shall fail to comply with the terms and conditions of the permit.

Chapter 4. REFUSE COLLECTION AND MANAGEMENT

Section 4.01

(1) The Land Authority is authorized to establish, maintain and operate a system of garbage collection, removal and disposal within OCN lands, either by contract with a person appointed by the Land Authority, or by use of equipment owned by the OCN, and such service will be under the control of the Environment officer.

(2) The Land Authority is authorized to establish a billing and collection system, either by contract with the person appointed by the Land Authority for that purpose, or by use of OCN facilities under the control and inspection of the Environment officer.

(3) Every occupant of premises within OCN Lands must dispose of garbage either by utilizing a disposal system established by the Land Authority pursuant to this law and pay the rates and fees established by Council or by the Authority in their ability to promote the traditional practices of OCN, from time to time.

Section 4.02 Garbage Disposal

(1) No person within the garbage collection area will dispose of garbage except in accordance with the provisions of this law.

(2) The Lands Manager and the Community Works and Operations Manager each hereby authorized to carry out their respective duties as are necessary to perform the responsibilities set forth in this law.

(3) The Lands Manager and Community Works and Operations Manager are authorized to establish, maintain and operate a system of garbage collection, removal and disposal within OCN, contracted with a person, or by use of equipment owned by OCN, and such service will be under the control and inspection of the Community Works and Operations Manager.

(4) The Land Manager and Community Works and Operations Manager are authorized to establish a billing and collection system, either by contract with the person appointed under section 4.01, or by use of OCN facilities under the control and inspection of the Environment officer.

(5) Every registered holder of premises within OCN land must dispose of all garbage generated on their parcel of land in accordance with this law.

(6) Every registered holder of premises within OCN lands must dispose of garbage either by:

(a) Utilizing a disposal system established by the Lands Authority or the Community Works and Operations department pursuant to this law and pay the rates and fees established by the Lands Authority and Community Works and Operations department, from time to time or

(b) Where the OCN system is not available, then either by utilizing:

(i) Where applicable, an independent garbage collection service provider, provided by OCN and contracted by the strata corporation, homeowner's association or some such similar association

(ii) An independent garbage collection service provider approved by OCN.

Section 4.03 General Provisions

(1) The Land Manager will implement the traditional practice of *mamawekamatowin* by incorporating seasonal variations or clean-up periods in the residential areas of OCN lands for pick-up of extra garbage, restricted to separate three week periods in the Spring and Fall of each year on dates to be approved by the Manager.

Section 4.04 Right of Entry

(1) The Lands Manager and the OCN Environment officer are authorized to enter, at all reasonable times, upon any parcel of land within OCN lands, subject to any of the terms and conditions of this law in order to ascertain whether the provisions of this law are being obeyed.

Section 4.05 Fees and Forms

(1) Council may, by resolution passed at a duly convened meeting, establish, correct, revise or update the terms of any applicable law schedules, forms, protocols or other related documentation which complement and support this law, and will post notice of same in a public area of the OCN administration building and make a copy of same available for viewing free of charge at the administrative offices of OCN and available for distribution at a nominal charge.

Section 4.06 Offences

(1) No person shall obstruct, interfere with or hinder Council, a peace officer or any authorized employee, officer or agent in the carrying out of their duties and responsibilities under this law and the traditional practices, polices and protocols of OCN that are contained in this law.

(2) Any person who violates any of the provisions of this law or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this law, or who neglects to do or refrains from doing any act or thing required by any of the provisions of this law, is guilty of an offence under this law, and is liable to the penalties imposed by this law.

(3) Each day a violation of this law continues will be deemed to be a separate offence for which a fine or imprisonment may be imposed.

(4) Any individual person found guilty of an offence under this Law is liable

(a) for a first offence, to a fine of not more than $50,000 or to imprisonment for no more than six months, or to both and

(b) for each subsequent offence, to a fine of not more than $100,000 or to imprisonment for not more than one year, or to both

(5) Any corporation found guilty of an offence under this Law is liable

(a) for a first offence, to a fine of not more than $500,000, and

(b) for each subsequent offence, to a fine of not more than $1,000,000.

Section 4.07 Immunity

(1) No action for damages lies or may be instituted against present or past Chief and Council Environment officer or other members, employees, servants or agents of OCN:

(a) For anything said or done or omitted to be said or done by that person in the performance or intended performance of the person's duty or the exercise of the person's authority or

(b) For any alleged neglect or default in the performance or intended performance of the person's duty or the exercise of the person's authority.

(2) Subsection (1) does not provide a defence if:

(a) Chief and Council, Environment officer, members, employees, servants or agents have, in relation to the conduct that is the subject matter of the action, been guilty of dishonesty, gross negligence or malicious or wilful misconduct, or

(b) The cause of action is libel or slander.

(3) OCN present or past Chief and Council, or members, employees, servants or agents of any of OCN Chief and Council are not liable for any damages or other loss, including economic loss, sustained by any person, or to the property of any person, as a result of neglect or failure, for any reason, to discover or detect any contravention of this law or any other OCN law, or from the neglect or failure, for any reason or in any manner, to enforce this law or any other OCN law.

(4) All actions against OCN for the unlawful doing of anything that:

(a) Is purported to have been done by OCN under the powers conferred by this law or any OCN law, and

(b) Might have been lawfully done by OCN if acting in the manner established by law

Must be commenced within six (6) months after the cause of action first arose, or within a further period designated by OCN Chief and Council in a particular case, but not afterwards.

(5) OCN is in no case liable for damages unless notice in writing, setting out the time, place and manner in which the damage has been sustained is delivered to OCN within two (2) months from the date on which the damage was sustained. In case of the death of a person injured, the failure to give notice required by this section is not a bar to the maintenance of the action. Failure to give the notice or its insufficiency is not a bar to the maintenance of an action if the court before whom it is tried, or, in case of appeal, the Court of Appeal believes:

(a) There was a reasonable excuse and

(b) OCN has not been prejudiced in its defence by the failure or insufficiency.

Section 4.08 Application of Law

(1) Where any Federal Act or regulation or Provincial Act or regulation or any other OCN Law may apply to any matter covered by this law, compliance with this law will not relieve the person from also complying with the provisions of the other applicable Act, regulation or law.

(2) If any section of this law is for any reason held invalid by a decision of a court of competent jurisdiction, the invalid section or subsection will be severed from and not affect the remaining provisions of this law.

(3) The headings given to the sections and paragraphs in this law are for convenience of reference only. They do not form part of this law and will not be used in the interpretation of this law.

(4) Unless otherwise noted, any specific statute named in this law is a reference to an enactment of Opaskwayak Cree Nation and the regulations thereto, as amended, revised, consolidated or replaced from time to time, and any law referred to herein is a reference to a law of OCN as, amended, revised, consolidated or replaced from time to time.

Section 4.09 Compliance with OCN Programs

(1) No person shall collect or dispose of refuse in a manner which is contrary to the Act and regulations thereunder, and:

(a) No person shall dispose of waste except in accordance with this Act and regulations

(b) No person shall deposit waste within OCN lands except in accordance with this law

(c) No person shall place household wastes in a container that is not a litter bin as defined in this law

(d) No person shall deposit any waste material on a property or in a litter bin that is not under his direct control

(e) No person shall bring into the OCN any waste for collection or disposal

(f) No persons, other than the owners or occupants or those appointed by the owners or by the OCN to collect wastes, shall interfere with or disturb the contents of any waste container or other wastes placed for collection

(g) Every person shall dispose of construction and demolition waste at their own expense, at an approved waste disposal ground

(h) All persons shall dispose of hazardous wastes in a manner so as not to create an environmental hazard

(i) No person shall place animal wastes or agricultural wastes in with household wastes

(j) If there is animal waste that has to be disposed of, it shall be disposed of preferably by the animal control officer by burying and/or incinerating the carcass.

(k) No person shall place for collection animal or agricultural wastes which is not enclosed in an air tight, rigid, container so as to prevent contamination of collection equipment and/or an insanitary condition

(l) No person shall dispose of or discharge liquid wastes in any place within the OCN, except into the sanitary sewer system or other system approved of by OCN for the disposal of liquid wastes in accordance with this or other laws of the OCN

(m) No person shall deposit wastes on private property or in any ditches or on any yards, boulevards, lanes or streets within the OCN

(n) No person shall deposit or dispose of or discharge wastes in the OCN in such a manner as to create a nuisance

(o) No person shall create an unsanitary condition in any of the OCN lands, litter bins and all other areas considered OCN lands

(p) No person shall violate the principle(s) of Opaskwayak Cree Nation such as:

(i) *onaschekāwina.*

(ii) ochiniwin

(iii) pastahowin

(iv) kistāneta uski

(v) wakotawin

Section 4.10 Responsibility of Owner or Person in Control

(1) Every person shall ensure that wastes are disposed of in accordance with this law and regulations thereunder.

Chapter 5. REGULATIONS

Section 5.01 Regulations may be passed by Council

(1) For the purpose of carrying out the provision of this law according to their intent, Council may make such regulations and orders as are ancillary thereto and are not inconsistent therewith and every regulation or order made under and in accordance with the authority granted by this section has the force of law, and, without restricting the generality of the foregoing, the Council may make regulations, guidelines, procedures and orders:

(a) Respecting the classification of waste disposal grounds, and the setting out of environmental management and environmental assessment standards and policies as appropriate

(b) Setting out the policies for environmental management as they related to economic development, conflicting land or resource use, and industrial density

(c) Restricting or limiting the number and types of developments that may cause adverse cumulative effects

(d) Governing or prohibiting any use, activity or thing that may cause adverse effects, including governing or prohibiting the construction, alteration, modification or expansion of developments or classes developments

(e) Respecting the setting of environmental quality objectives for part or all of the OCN, the process for setting of those objectives, and the use of objectives

(f) Exempting developments from the requirements of sections 3.02, 3.03 or 3.04

(g) Setting out the procedures to be followed with regard to applications for licences or permits required under this law or the regulations thereunder, and the issuance, refusal, withdrawal, revocation or suspension of the licences or permits, taking into consideration the traditional practices of OCN

(h) Respecting fees payable for service, licence or permit and the disposition or administration of same

(i) Respecting the requirement of evidence of financial responsibility in the form of insurance or an indemnity bond, or other form as may be satisfactory to the Manager, for persons owning or operating developments that will or may cause environmental damage

(j) Respecting the design, location, configuration, construction, adaption, alteration, operation, maintenance and installation of developments to mitigate their adverse effects

(k) Respecting the design, construction, adaption, alteration, operation, maintenance and installation of systems, processes or works to abate or control pollution or other environmental damage including but not limited to waste disposal grounds landfills, sewage collection and treatment, sewage or industrial sludge handling and disposal, incinerators, and recycling systems

(l) Prescribing, setting standards or conditions for, or prohibiting the methods of collection, treatment, distribution and disposal of pollutants

(m) Respecting the location of waste disposal grounds and landfills, and regulating, prohibiting and requiring approvals for the construction and placing of structures of any kind on land located within such distance of waste disposal grounds and landfills as is specified in the regulation, whether or not the waste disposal grounds and landfills are abandoned or not

(n) Prescribing limits, terms and conditions on the release of pollutants, or the prohibition of release or pollutants or in the type, quantity, or conditions respecting resource utilization from any development

(o) Respecting the use restriction, or prohibition of use of any product or substance that may pollute or damage the environment

(p) Respecting the disposal, refuse or recycling of any product or residual flow or packaging offered for sale in the province which may become a component of a waste stream

(q) Requiring certain developments or certain classes of developments to register with the Authority

(r) Requiring a permit or the construction or operation of certain developments, and the issuance or withdrawal of the permits by the Manager, Authority or Environment officer and the limits, terms and conditions to be included in the permits issued by the Manager, Land Authority or Environment officer.

(s) Respecting the methods of testing samples and prescribing the equipment or apparatus or structures to be used for taking samples

(t) Respecting the declaration of equivalent standards or status by the Council

(u) Prohibiting litter and regulating the disposal of litter

(v) Setting out environmental management standards, guidelines or practices to be incorporated into the design, construction, operation, closure or rehabilitation of a development based on the traditional practices and principals of OCN

(w) Respecting the use, storage, handling, disposal, or prohibitions of the use, storage, handling or disposal of pesticides and containers

(x) Prescribing forms for use under this Act

(y) Prescribing the manner of giving notice of any decision of matter under this Act

(z) Respecting applications for grants and the amount and the terms and conditions of grants

(aa) Respecting the authority of the Lands Manager, Land Authority, Environment Officers or peace officers.

Chapter 6. AMENDMENTS

Section 6.01 Amending Process

(1) This Law may be amended by Chief and Council in the following manner:

(a) a recommendation from the Land Authority, supporting or requesting the amendment

(b) where the proposed amendment is substantial in nature, it may be referred to a community meeting for input

(c) where an amendment is technical in nature or where urgent or following community input may be enacted by a written Resolution of Chief and Council

(d) a written Resolution of Chief and Council amending this Law shall be filed with the Land Authority Registry.

Section 6.02 Notice of Amendment

(1) A notice of amendments shall be publicly posted and such reasonable efforts as the Land Authority deems necessary will be undertaken to provide notice to individuals off reserve.