



# Whitecap Dakota/Sioux First Nation

Site 507, Box 28, R.R. #5, Saskatoon, SK S7K 3J8  
Telephone (306) 477-0908 • Fax (306) 374-5899

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## BY-LAW NO. 96 - 1 OF THE WHITECAP DAKOTA/SIOUX FIRST NATION #94 RESPECTING WASTE DISPOSAL AND BURNING

WHEREAS the Council of the Whitecap Dakota/Sioux First Nation #94 desires to establish a by-law for the purpose of protecting the health of residents of the Whitecap Dakota/Sioux First Nation #94 Reserve, and for the prevention of nuisances on the said Reserve; and

WHEREAS the Council of the First Nation is empowered to make by-laws to provide for the health of residents, and any matter ancillary thereto and the imposition of a penalty for the violation thereof pursuant to paragraphs 81 (1) (a), (q), and (r) of the Indian Act;

WHEREAS the Council of the First Nation is empowered to make a by-law for the purpose of preventing nuisances, and any matter ancillary thereto, and for the imposition of a penalty for the violation thereof pursuant to paragraphs 81 (d), (q), and (r) of the Indian Act;

NOW THEREFORE the Council of the Whitecap Dakota/Sioux First Nation #94 hereby enacts as a by-law thereof as follows:

### Short Title

1. This by-law may be cited as the "Whitecap Dakota/Sioux First Nation #94 Waste Disposal and Burning By-Law".

### Interpretation

2. In this By-Law:

"Council" means the Council of the Whitecap Dakota/Sioux First Nation #94.

"Minister" means the Minister responsible for the Indian Act.

"permit" means a permit issued under the Regulations by the Minister or by the Council, if, pursuant to the Regulations, the Council has been authorized to issue a permit under the Regulations.

"Regulations" means the Indian Reserve Waste Disposal Regulations, pursuant to the Indian Act, as amended from time to time.

"Reserve" means the Whitecap Dakota/Sioux First Nation #94 Reserve.

"Waste" includes garbage, liquid and semi-liquid substances, land-fill and scrap of all kinds and any combinations of the foregoing.

### 3. **Prohibitions Respecting the Disposal or Storage of Waste**

3. No person shall:

- (a.) operate a garbage dump on the Reserve, or
- (b.) use any land in the Reserve, except a landfill site designated by resolution of Council, for the disposal or storage of waste, or
- (c.) burn any waste on any land on the Reserve.

except under the authority of a valid and subsisting permit.

4. No person who is lawfully or traditionally, in possession of any lands in the Reserve, or a person to whom reserve lands have been leased or who lawfully occupies, uses, resides, or otherwise exercises rights on land in the Reserve, shall permit any person to

- (a.) operate on that land a garbage dump, or
- (b.) use any part of that land for the disposal or storage of waste, or
- (c.) burn any waste on that land,

except under the authority of a valid and subsisting permit.

### **Orders and Cancellations of Permits**

5. If the holder of a permit

- (a.) operates a garbage dump on the Reserve,
- (b.) uses land in the Reserve for the disposal or storage of waste, or
- (c.) burns waste on any land on the Reserve.

Other than in a manner specified in the permit, the Minister or the Council, whoever issued the permit, may cancel the permit and order the holder of the permit to close and clean up the land in the Reserve, as may be applicable, in a manner satisfactory to the Minister or the Council.

- 6. Where a person is convicted of an offence pursuant to Section 3 or 4, the Minister may order that person to close and clean up the garbage dump or to clean up the land, as may be applicable, in a manner satisfactory to the Minister.

**Compliance with Orders**

- 7. Any person who has been ordered by the Minister or that Council to do anything pursuant to Section 5 or 6, shall comply with that order without delay.

**Offences**

- 8. (1.) Every person who fails or refuses to comply with any provision of this By-law commits an offence.
- (2.) Where an act or omission in contravention of this By-law continues for more than one day, such act or omission shall be deemed to be a separate offence committed on each day during which it continues, and may be punished as such.

**Penalty**

- 9. A person who commits an offence under this by-law is liable on summary conviction to a fine not exceeding \$1,000.00 or to imprisonment for a term not exceeding 30 days, or to both.

**Further Remedies Available**

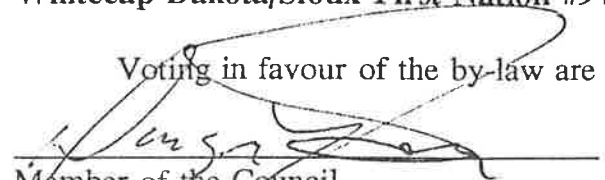
- 10. (1.) Where this by-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by this by-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting this continuation or repetition of the offence by the person convicted.
- (2.) Where this by-law is contravened, in addition to any other remedy and to any penalty imposed by the by-law, such contravention may be restrained by court action at the instance of the Council.

**Amendment**

- 11. This by-law may be amended, from time to time, by a by-law for that purpose duly enacted by the Council pursuant to the Indian Act.

THIS BY-LAW IS HEREBY MADE at a duly convened meeting of the Council of the Whitecap Dakota/Sioux First Nation #94 this 20th day of February, 1996

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

  
Member of the Council

  
Member of the Council

  
Member of the Council

being the majority of those members of the Council of the Whitecap Dakota/Sioux First Nation #94 present at the aforesaid meeting of the Council.

Number of members of the Council present at the meeting: 3

The quorum of the Council is 2 members.

I, CHIEF DARCY BEAR, Chief/Councillor of the First Nation, do hereby certify that a true copy of the forgoing by-law mailed to the Minister of Indian Affairs and Northern Development at the District/Regional/Hull office (as the case may be) pursuant to subsection 82 (1) of the Indian Act, this 20th day of February, 1996.