



Indian and Northern
Affairs Canada

Affaires indiennes
et du Nord Canada

www.ainc-inac.gc.ca

Your file - Votre référence

Our file - Notre référence

CERTIFICATION

Pursuant to Section 86, Indian Act RSC 1985 C.I-5 and amendments thereto, I certify that the attached copy of the **Tsleil-Waututh First Nation Waste Removal By-law 2006**, which came into effect January 16, 2006, is a true copy of the said by-law.



Kathy Hankin

A/Associate Director, Lands and Trust Services,
a superintendent as defined in
Section 2(1) Indian Act RSC 1985

TSLEIL WAUTUTH NATION
(Burrard Indian Band)
WASTE REMOVAL BY-LAW 2006

WHEREAS the Council of the Tsleil Waututh Nation, also known as the Burrard Indian Band, (the "Band") enacted the Tsleil Waututh Nation Waste 2001 (the "By-law") on December 19, 2001;

AND WHEREAS the Minister of Indian Affairs and Northern Development approved the By-law on February 20, 2002;

AND WHEREAS the Chief and Council of the Band deem it advisable and in the best interests of the Nation to repeal the Tsleil Waututh Nation Waste Removal By-law 2001 and replace it with the Tsleil Waututh Nation Waste Removal By-law 2006;

BE IT HEREBY RESOVED that the Chief and Council of the Nation repeal the Tsleil Waututh Nation Waste Removal By-law 2001 and pursuant to section 81:

1. That the attached Tsleil Waututh Waste Removal By-law 2006 replace the Tsleil Waututh Nation Waste Removal By-law 2001.

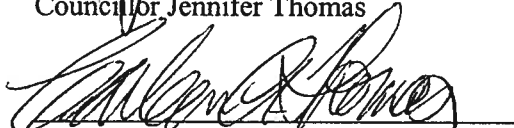
This By-law known as the Tsleil Waututh Nation Waste Removal By-law 2006 is hereby enacted at a duly convened meeting of the Council of the Band this 16 day of January, 2006.

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


Chief Leah George-Wilson


Councillor Jennifer Thomas

Councillor Justin George


Councillor Carleen Thomas

Councillor Damian George

being the majority of those members of the Council of the Tsleil Waututh Nation present at the aforesaid meeting of the Band Council.

The quorum of the Council is three (3) members.

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

I, Leah D. George-Wilson, Chief/Councillor of the Tsleil Waututh Nation, 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 District offices at 600 - 1138 Melville Street, Vancouver, British Columbia, V6E 4S3 in accordance to section 82 (1) of the *Indian Act*, this 17 day of JAN, 2006.

TSLEIL WAUTUTH NATION
(Burrard Indian Band)
WASTE REMOVAL BY-LAW 2006

A By-law to establish and maintain a system for the collection of waste on the Reserve.

WHEREAS the Council of the Tseil Waututh Nation also known as the Burrard Indian Band (the "Band") wishes to establish a By-law for the collection of waste on the Reserve; and

WHEREAS the Council of the Band is empowered to make such a By-law and the imposition of a penalty for the violation thereof pursuant to paragraphs 81(1) (a), (c), (d), (p.1), (q) and (r) of the *Indian Act*.

NOW THEREFORE BE IT RESOLVED the Council of the Band at a duly convened meeting, enacts as a By-law the following:

Title

1. This By-law may be cited as the "TSLEIL WAUTUTH NATION WASTE REMOVAL BY-LAW 2006".

Definitions

2. In this By-law:

"Band" means the Tseil Waututh Nation (Burrard Indian Band), a band of Indians as defined under the *Indian Act*;

"Band Council Resolution" or "Resolution" means a motion, as recorded in the minutes of the meeting, passed and approved at a duly convened meeting of the Band Council pursuant to the consent of a majority of the councillors of the Band present at that meeting;

"Chief and Council" or "Band Council" or "Council of the Band" means the Chief and Council of the Band elected pursuant to sections 2(1) and 74 of the *Indian Act* or any amendments or successors thereto;

"Director of Parks and Engineering Services" means the Director of the Parks and Engineering Department of the Corporation of the District of North Vancouver;

"District" means the Corporation of the District of North Vancouver;

"District Container" means a wheeled waste container of 2300 litres capacity rented or purchased from the District;

“*Indian Act*” means the *Indian Act* R.S.C. 1985, c. I-5, as amended or re-enacted from time to time or any regulations promulgated thereunder;

“Occupier or Occupant” includes a tenant, lessee, agent, licensee, permittee and any other person who has the right of access to and control of any building or premises on the Reserve;

“Owner” means any person or entity that is in lawful possession of land or improvements on the Reserve or has possession as authorized by the Council;

“Real Property” means the building or premises that an Occupier or Occupant has the right of access to; or the land or improvements on the Reserve that an Owner has lawful possession of or has possession as authorized by the Council;

“Reserve” means Burrard Inlet Indian Reserve No. 3, Inlailawatash Indian Reserves No. 4 and 4A and any additions to the reserve lands of the Band;

“Residential Waste Cart” means a wheeled waste cart of 360 litres capacity or less purchased from the District and which can be picked up by the District’s semi-automated hoist system;

“Standard Residential Garbage Collection Service” means a maximum number of containers collected per dwelling unit on a weekly basis as set out in Section 6(d);

“Waste” means domestic garbage and commercial trade waste.

Duty To Remove Waste

3. Each Occupier and/or Owner shall, at least once each week, dispose of any Waste produced on such Real Property through any of the following means:
 - (a) by the District Waste collection service;
 - (b) by private Waste collection service; or
 - (c) otherwise removing or arranging for the removal of the Waste to an authorized place of Waste disposal.

Who May Collect Waste

4. Only the District and private waste collection companies authorized by the Band or the District may collect Waste that has been placed for collection in accordance with sections 5 and 6.

Waste Collection Requirements

5. Collection of Waste pursuant to section 4 is subject to the following requirements:
- (a) Waste for collection shall be kept on the Real Property of the Occupier and/or Owner until put out for collection.
 - (b) Each Occupier and/or Owner of Real Property within the Reserve:
 - (i) shall keep Waste receptacles in good repair and in a sanitary condition;
 - (ii) shall not put out for collection any explosive, toxic, corrosive, caustic, hot or highly flammable substance, or petroleum product, or medical waste including hypodermic needles and pathogen waste such as animal feces;
 - (iii) shall double bag any ashes and sawdust that are put out for collection and it must not exceed four (4) litres;
 - (iv) shall not put water or other liquids in or allow such liquids to accumulate in a Waste receptacle put out for collection; and
 - (v) shall clean up any Waste which escapes onto the highway (street, lane or public way) from the Waste put out for collection.

District Waste Collection

6. Collection of Waste by the District Waste collection service is subject to the additional following requirements:
- (a) Waste shall be put out for collection in a readily accessible location on the street or lane not earlier than 18:00 on the day before and not later than 07:30 on collection day, or in such other location approved in writing by the Director of Parks and Engineering Services.
 - (b) Waste will be collected which is in:
 - (i) a covered receptacle which shall be cylindrical, watertight, metal or plastic, not more than 450 millimetres in diameter and not more than 900 millimetres in depth and have a capacity of at least 70 litres, the contents of which may not exceed a weight of 35 kilograms;
 - (ii) a tightly secured plastic bag not more than 450 millimetres wide by 900 millimetres long, the contents of which may not exceed 25 kilograms;
 - (iii) a tightly wrapped and tied bundle not more than 450 millimetres in diameter and not more than 900 millimetres in length and which may not exceed a weight of 35 kilograms;

- (iv) a receptacle of a type approved by the Director of Parks and Engineering Services;
 - (v) a Residential Waste Cart; or
 - (vi) a District Container;
- (c) Any Waste receptacle that does not meet the requirements of this section may not be used as a Waste receptacle for the collection of Waste.
- (d) Standard Residential Garbage Collection Service:
- (i) The maximum amount of Waste collected each week per residence is 154 litres;
 - (ii) All residential users are entitled to the Standard Residential Service for the collection and disposal of Waste pursuant to section 5;
 - (iii) All Waste put out for collection in excess of the Standard Residential Service will require the attachment of a Residential Garbage Tag, as set out in Schedule A attached to this By-law and, in accordance with the fees set out in Section 5(e) of this By-law, which will permit the Waste container to be picked up from a dwelling unit even though the Waste container limit has been reached by that dwelling unit; and
 - (iv) All Waste put out for collection and not collected will be marked with a Garbage Information Tag in accordance with Schedule B attached to this By-law.
- (e) Residential Garbage Tag – Waste set out for collection in excess of 154 litres requires a residential garbage tag for each 77 litres volume or portion thereof. The price for each tag is \$2.00 and may be purchased from the District.

Rates

7. All multi-family properties, except those owned by Band members, to which recycling service is available will be charged an annual fee. The annual fee is due and payable at the same time and in the same manner as the general rates and taxes.

Schedules Are Part of By-law

8. Schedules attached hereto are included and form part of this By-law.

Gender And Plurality

9. In this By-law, any words in the singular include the plural and words in the plural include the singular, and the masculine includes the feminine and neuter where the context requires. References to "his", "him", "hers", or "her" may include a body corporate.

Headings

10. Headnotes, marginal notes and headings form no part of the enactment, but shall be construed as being inserted for convenience of reference only.

Severability

11. If any provision of this By-law is found invalid, such provision is severable.

By-law Administration

12. Only persons authorized by Band Council Resolution may act as agent of the Band for the purpose of administrating this By-law.

Offence and Penalties

13. (a) Every person who offends against or violates any of the provisions of this By-law or who suffers or permits anything to be done in contravention or violation of any of the provisions of this By-law, or who neglects to do, or refrains from doing anything required to be done by any of the provisions of this By-law, is guilty of an infraction of this By-law and is liable upon summary conviction to a fine of not more than \$1,000.00 or imprisonment for a term not exceeding thirty days, or both; and
- (b) For each day that a violation of the provisions of this By-law is permitted to exist, it shall constitute a separate offence.

Schedule "A"

Residential Garbage Tag

A Residential Garbage Tag as set out below permits a Waste container to be picked up from a dwelling unit even though the Waste container limit has been reached by that dwelling unit. The cost of a Residential Garbage Tag is set out in Section 5, Clause (e) of this By-law, and can be purchased from the Cashier, Tax Department, Municipal Hall, 355 West Queens Road, North Vancouver, BC V7L 4K1.

<p>DISTRICT OF NORTH VANCOUVER RESIDENTIAL GARBAGE TAG</p> <p>Name: _____</p> <p>Address: _____ _____</p> <p>Date: _____</p> <p>This tag is good for the removal of one 75 litre bag or can of garbage</p>

Schedule "B"

Garbage Information Tag

Waste put out for collection and not collected will be marked with a Garbage Information Tag as follows:

District of North Vancouver
GARBAGE INFORMATION TAG

The garbage was not taken because:

- No residential garbage tag attached.
- Cans or bags are over limit (75 litres)
- Excessive water in container.
- Garbage must be contained in proper bags and/or cans. (Small grocery bags are not acceptable.)
- Dirt, rock, gyproc, cement, metal or demolition materials are not responsible.
- Hazardous wastes (oil, gas, solvent, paint, etc.) are not acceptable.
- Special wastes (diapers, kleenex, hygiene products, etc.) must be bagged and sealed.
- Branches, wood, hedging, etc. must be bundled and tied. (1 m x .5 m diameter)
- Dust, wood chips or loose material must be bagged.
- Garbage must be placed at property line or curb.
- Access to garbage must not be obstructed.

The container will not be emptied in future because:

- Garbage can is in poor condition and requires replacement.
- Other _____

General Enquiries 990-2450