



MISSISSAUGA FIRST NATION

WASTE MANAGEMENT LAW

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PREAMBLE

Whereas the Mississauga First Nation have the inherent right given by the Creator to enact any law necessary in order to protect and preserve our Anishinaabe culture, to protect our lands, our language, customs, traditions and practices;

Whereas we the citizens of Mississauga First Nation exercise our inherent aboriginal and treaty rights to govern ourselves through enacting our own laws through our own *Misswezahging Constitution*, duly ratified March 15, 2015;

And Whereas the Mississauga First Nation has entered into the *Framework Agreement on First Nation Land Management* with Canada (February 12, 1996, as amended: the "Framework Agreement"), which was ratified on behalf of the Government of Canada by the *First Nations Land Management Act* (1999);

Whereas the Mississauga First Nation ratified the Framework Agreement and brought its *Land Code* into effect on August 1, 2009;

Whereas, pursuant to the Mississauga Land Code, laws may be enacted to protect Mississauga Land, the use and benefit of Mississauga Land, the occupation of Mississauga Land, residence on Mississauga Land, and the creation of offences, penalties and remedies for violations of Mississauga laws; and

Whereas the Mississauga First Nation citizens have voiced their environmental concerns with the past landfill site, contamination from the landfill site and the practices related to operating, maintaining and using the waste management depot;

Whereas the Chief & Council of Mississauga First Nation deems it advisable and in the best interests of Mississauga First Nation to enact a Law to provide for waste management including operation and control of the waste management depot within the Mississauga First Nation community.

NOW THEREFORE, THIS WASTE MANAGEMENT LAW IS HEREBY ENACTED AS LAW OF THE MISSISSAUGA FIRST NATION.

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1. DEFINITIONS

1.1. In this Law, unless the context otherwise requires:

“**Band Member**” means a person who is a member of Mississauga First Nation.

“**Construction and Demolition Waste**” means waste from building construction, home renovations and demolition projects and all materials as outlined in [Schedule C](#) in the MFN Waste Management Policy;

“**Council**” means the Band Council of Mississauga First Nation;

“**Commercial Premises**” means a building or self-contained part thereof, occupied and used for other than a dwelling, including but not restricted to warehouses, stores, eating places, wholesale or retail business places and office blocks, packing-houses, canneries, processing plants, manufacturing plants, and apartments or condominium, where garbage must be stored and collected from a single point on the premises;

“**Enforcement Officer**” means the person or persons appointed by Council, from time to time, to administer and enforce the provisions of Mississauga First Nations Laws enacted by Council and includes any delegate and any assisting personnel as required and requested by an Enforcement Officer, or any peace officer as defined or any other person appointed by the Council for the purpose of maintaining law and order on the First Nation;

“**E-waste**” means electronic waste and materials as outlined in [Schedule C](#) in the MFN Waste Management Policy;

“**Household Hazardous Waste**” means those general household (residential) wastes that are potentially hazardous to human health and/or the environment due to their nature and quantity and require special handling techniques. This type of waste is typically corrosive, flammable, toxic or reactive and is outlined in [Schedule B](#) of the MFN Waste Management Policy;

“**Household Waste**” means general household (residential) waste, domestic waste or residential waste commonly known as trash, garbage, refuse or rubbish, which is typically solid, non-hazardous waste generated from a family dwelling that does not include recyclables, tires, metal items, construction/demo waste, E-waste, and acceptable materials as outlined in Schedule A of the MFN Waste Management Policy;

“**Metal items**” include automobiles, metal rods, metal roofing, household appliances, and discarded bits and pieces of metal parts and materials as outlined in [Schedule C](#) of the MFN Waste Management Policy;

“**MFN**” means Mississauga First Nation as defined under the *Misswezahging Constitution*;

“**MFN Lands**” means the 1,977 ha of land located west of the town of Blind River and is Mississaugi River Indian Reserve No. 8. In addition to this is, it includes the 18,172 ha and any land purchased pursuant to the Land Settlement Agreement, dated April ___, 1994;

“**MFN Waste Management Depot**” means the area designated by Band Council for disposing of waste.

“**Occupant**” means a person who is legally entitled to occupy or simply occupies a parcel of land, building, dwelling or premises within Mississauga First Nations

“**Peace Officer**” means a member of the Ontario Provincial Police including an appointed First Nation Constable responsible for policing Mississauga First Nations;

“**Recyclables**” means paper fibers, metal and plastic containers and acceptable materials as outlined in [Schedule A](#) of the MFN Waste Management Policy;

“**Tires**” means used tires, tire rubber, and materials as outlined in [Schedule C](#) of the MFN Waste Management Policy; and

“**Waste**” means all waste including household waste, household hazardous waste, e-waste, recyclables, tires, construction and demolition waste, and metal items.

2. WASTE DISPOSAL

- 2.1. Every person on MFN Lands must dispose of all waste in accordance with this Law.

3. ENFORCEMENT AND CONTRACTING

- 3.1. Any delegated authority or Enforcement Officer are each hereby authorized to carry out their respective duties as are necessary to perform the responsibilities set forth in this Law.

- 3.2. Chief and Council or anyone delegated by Band Council is authorized to establish, maintain and operate a system of waste collection, removal and disposal within the MFN Lands by,
 - 3.2.1. contracting with a person or corporation selected by Chief and Council to perform these services; or
 - 3.2.2. by using equipment owned by MFN and MFN employees.

4. CURBSIDE COLLECTION

- 4.1. Curbside collection of household waste shall be provided to each dwelling once a week in accordance with the following,
 - 4.1.1. Day and time of curbside waste pickup may be changed on reasonable notice, and it is the responsibility of the occupant to ensure they are aware when the service is provided to their property;
 - 4.1.2. All household waste must be placed at the curb adjacent to the property's driveway and road in a closed, strong garbage bag or garbage bin, of no greater size than 90 litres;
 - 4.1.3. The occupant is responsible for any and all waste that escapes from their curbside container to its collection, and the waste management provider will not collect spilled or scattered waste.
 - 4.1.4. No liquids shall be put in or allowed to accumulate in any container.
 - 4.1.5. Ashes from home woodstoves, fire pits or waste burning bins must be placed extinguished, uniformly cooled to ambient temperatures, and placed in non-combustible containers and separated from waste or other flammable material.
 - 4.1.6. Tires, metal items, hazardous waste, construction and demolition waste, e-waste, and any other items larger than a 90L trash bag will not be eligible for curbside pickup, and must be transported and disposed of by the occupant by depositing it in the designated area at the MFN

Waste Management Depot disposal site. No person shall place or mix household waste and household hazardous waste in the same container or bag for curbside collection.

4. DISPOSAL REQUIREMENTS WASTE MANAGEMENT DEPOT

- 4.1. All household waste and recyclables brought to the Waste Management Depot must be disposed of by a member or their delegate in accordance with the following requirements:
 - 4.1.1. Those who wish to dispose of their own household waste at the MFN Waste Management Depot may do so during Depot operating hours, and only by put any household waste directly into the appropriate bunker;
 - 4.1.2. A member of MFN or person utilizing the depot shall disclose the contents of any container, vessel or box when requested by the any delegated authority or Enforcement Officer of the MFN Waste Management Depot during scheduled operating hours when requested;
 - 4.1.3. Person using the depot must provide identification to satisfy the his or her identity and address when requested. Persons who are not occupying a dwelling in MFN may not use the depot;
 - 4.1.4. All persons using the depot must open any bag or container, cargo compartment in a vehicle such as enclosed trailer, truck back or trunk for inspection and the inspection is limited to determination of the classification of waste for disposal at the request of any delegated authority or Enforcement Officer, prior to being allow in the depot;
 - 4.1.5. No person shall deposit any waste material from Waste created outside the MFN lands, or any commercial or industrial waste; and,

- 4.1.6. No person shall remove any waste material from the MFN Waste Management Depot disposal site without the express permission of the any delegated authority or Enforcement Officer.

5. PROHIBITED MATERIALS

- 5.1. For the purposes of curbside pickup and deposit at the depot, Household waste may not include any of the following:
 - 5.1.1. Hot ashes from incinerators or burning barrels;
 - 5.1.2. Any hazardous or bio-hazardous waste;
 - 5.1.3. Oil, fuel or other engine or equipment fluid filters;
 - 5.1.4. Tires, metal items, construction/demo waste;
 - 5.1.5. E-waste;
 - 5.1.6. Pharmaceuticals; or;
 - 5.1.7. Waste created outside the MFN reserve lands.
- 5.2. The Waste Management depot will not accept at any time;
 - 5.2.1. Commercial or industrial waste;
 - 5.2.2. Mixed or unknown waste;
 - 5.2.3. Automobiles;
 - 5.2.4. Boats or watercraft;
 - 5.2.5. Heavy equipment.
- 5.3. Council reserves the right to refuse to accept, collect and transport any waste material, and Council is not limited to waste material as defined by this Law, into the MFN Waste Management Depot.

6. GENERAL PROVISIONS

- 6.1. The Infrastructure Department may implement seasonal clean-up programs in the residential properties on MFN Lands. These programs may offer a bulk pick-up of household waste. These programs shall be restricted to two three-week periods in the

Spring and Fall of each year, on dates to be set by the Infrastructure Director.

- 6.2. No Infrastructure Department collector, or contactor operating on behalf of the First Nation, will enter any premises for the purpose of collecting waste material without the express consent of the occupant.
- 6.3. No Public Works Department collector, or contactor operating on behalf of the First Nation, will demand or receive any gratuity, gift, payment, or consideration for services rendered in connection with waste collection beyond their regular remuneration.
- 6.4. The Infrastructure Department may choose not to offer this service at any time, and no occupant or land owner is entitled to this service. Without limiting the forgoing, the Infrastructure Department may, in its sole discretion, refuse to collect any bulk waste that is unreasonably large, may be waste generated by persons outside the First Nation, appears hazardous, or which may not be of a type, or in a state, that can be safely disposed of under this law.
- 6.5. The schedules attached hereto form part of this law, including all requirements, terms and directives set forth in the schedules.

7. IMMUNITY

- 7.1. No action for damages lies or may be instituted against the MFN, present or past Chief and Council, any Enforcement Officer, band members, or employees, of MFN:
 - 7.1.1. 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 under this law; or
 - 7.1.2. 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 under this law.
- 7.2. Section 7.1 does not provide a defense if:
 - 7.2.1. Chief and Council, Enforcement Officer, band members, or employees, have, in relation to the

conduct that is the subject matter of action, been guilty of dishonesty, gross negligence or malicious or willful misconduct; or,

7.2.2. The cause of action is libel or slander.

7.3. MFN, present or past Chief and Council, band members, or employees of MFN 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 MFN Law or from the neglect or failure, for any reason or in any manner, to enforce this Law or any other MFN Law.

7.4. All actions against MFN, present or past Chief and Council, band members, or employees of MFN directly or indirectly in relation to anything that:

7.4.1. was done pursuant to this law;

7.4.2. was purported to have been done pursuant to the powers conferred by this Law; and,

7.4.3. might have been lawfully done by MFN and is acting in the manner established by Law; or

7.4.4. ought to have been done pursuant to this law;

must be commenced within six (6) months after the cause of action first arose, but not afterwards.

7.5. MFN is not liable for damages or injuries unless notice in writing, setting out the time, place and manner in which the damage has been sustained, is delivered to MFN, within two (2) months from the date on which the damage was sustained. Failure to give notice or its insufficiency is not a bar to the maintenance of an action if the court finds that:

7.5.1. There was a reasonable excuse for the late notice; and,

7.5.2. MFN has not been prejudiced in its defense by the failure or insufficiency of any notice.

8. OFFENCES

- 8.1 A person who commits an offence under this Law and upon conviction is liable to a fine as set out in the [Penalties – Schedule “D”](#) and shall not exceed \$1000.00 and may be subject to a period of imprisonment for a term not exceeding 6 months.
- 8.2. Under this Law a person commits an offence, who
- 8.2.1. fails or refuses to comply with any provision of this Law;
 - 8.2.2. submits false or misleading information to a MFN Waste Management Depot any delegated authority; or,
 - 8.2.3. obstructs, interferes with or hinders Chief and Council, the Enforcement Officer or any delegated authority in carrying out of their duties and responsibilities under this Law.
- 8.3. Where an act or omission in contravention of this Law continues for more than one day, each contravention shall be deemed to be a separate offence committed each day and may be dealt with as such.
- 8.4. The amount of an administrative penalty to be imposed for the first day that a contravention of any section of this law occurs is,
- 8.4.1. Set Fine from Schedule “D” for the first notice of contravention issued;
 - 8.4.2. Double the set fine from Schedule “D” for the second notice of contravention issued; and
 - 8.4.3. Triple set fine from Schedule “D” for the third and every subsequent notice of contravention issued.
- 8.5. If an Enforcement Officer appointed as defined under this Law has issued a notice of contravention (ticket), and subsequently believes that the contravention occurred again on additional days after the first day, the notice may be reissued and on reissue the administrative penalty may be increased by multiplying the amount specified under subsection (8.4) by the number of additional days, subject to the maximum penalty amounts set out in subsection (8.4).

- 8.6. When a ticket is issued to a person, the ticket shall include a specific due date. If the defendant pays the fine before the due date, the First Nation shall accept the early fine to resolve the matter as set out in the Penalties – Schedule “D” to this Law. If the penalty is not paid on or before the due date, then the matter shall proceed for the full amount of the fine.
- 8.7. Upon a second conviction for any offence, the minimum fines are doubled, and upon a third conviction, the fines are tripled.
- 8.8. Upon the registered fourth conviction and any subsequent conviction within a two-year period through the recommendation of the Infrastructure Manager, Band council may make a Band Council Resolution suspending or prohibiting the offender’s access to the MFN Waste Management Depot and/or curbside waste pickup. The person shall be notified in writing of the proposed meeting and stating the reason for the suspension or prohibition, the period of the suspension and the process and conditions that they are able to appeal or request the lifting of the suspension or prohibition;

Upon conviction of this section, Band Council may consider and impose such sanctions, restrictions through a Band Council Resolution to encourage compliance with this Law.

9. APPLICATION OF LAW

- 9.2. Where any federal Act or Regulation or provincial Act or Regulation or any other MFN 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.
- 9.3. 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.
- 9.4. The headings given to the sections and paragraphs in this Law are for the convenience of reference only. They do not form part of this Law and will not be used in the interpretation of this Law.
- 9.5. Unless otherwise noted, any specific statute named in this Law is a reference to an enactment of Ontario 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 MFN, as amended, revised, consolidated or replaced from time to time.

BE IT KNOWN that this Law entitled, “*Waste Management Law*” was hereby passed under the conditions of the Misswezahging Constitution and the *MFN Land Code* and takes effect on July 1, 2019.

SCHEDULE “A” – Recyclables and Instructions

Metal Cans & Foil	Empty Aerosol Cans and Styrofoam	Plastic Containers	Newspapers and Magazines
<p>Metal Cans - Metal containers must be empty. Cans must be rinsed with water and lids placed in a can, pinch closed and put in blue bin.</p> <p>Aluminum Cans – Must be flattened to save space!</p> <p>DO NOT PUT ALUMINUM CANS INSIDE TIN ONES.</p> <p>Include clean aluminum foil and pie plates.</p> <p>Items that <u>cannot</u> be included in recycling include pots, cigarette or butter wrappers or scrap metal.</p>	<p>Metal containers must be are empty.</p> <p>NO paint cans, or plastic paint cans, propane cylinders or other hazardous waste shall be recycled.</p>	<p>Plastic Container - Discard tops and rinse containers for soft drinks, detergents, juice, bleach, shampoo, dairy products as well as clear and foam plastic cups, trays and packaging. Flatten soft drink containers and replace lids.</p> <p>All plastics with the numbers 1 to 6 on the bottom are OK.</p> <p>Not to be Included - No blister or bubblepacks, prescription bottles or toys.</p>	<p>Place newspapers, inserts, phone books, magazines and catalogues in a plastic bag next to your blue bin.</p>
<p style="text-align: center;">Boxboard and Mixed Paper</p>	<p style="text-align: center;">Plastic Bags</p>	<p style="text-align: center;">Corrugated Cardboard</p>	

<p>Bundle junk mail and office paper separately from Boxboard.</p> <p>Flatten and stuff boxboard into a large box. Boxboard includes cereal, shoe and detergent boxes as well as rinsed milk and juice cartons, paper bags, sugar & flour bags, cardboard tubes, books (hard-cover & paperback), egg cartons and other clean paper packaging.</p> <p>No drink boxes, tissue, paper towel or laminated paper. Do not put paper loose in blue bin.</p>	<p>Plastic Bags - Remove food residue, stickers and receipts. Stuff clean, dry plastic bags into a plastic bag and tie handles.</p> <p>Include rinsed milk pouches, grocery, bread, dry cleaning, frozen vegetable and blue newspaper bags as well as outer wrapper from toilet and hand tissues. No meat, cheese or stretch wrap, cereal box liners or chip bags.</p>	<p>Flatten and bundle corrugated cardboard boxes.</p> <p>Only broken down boxes will be collected.</p> <p>No waxed boxes.</p>	
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SCHEDULE B – Household Hazardous Waste

The following items are considered Household Hazardous Waste and shall not be included in the curbside collection program:

Kitchen	Bathroom	Garage	Garden Shed	Workshop
Abrasive powders, ammonia-based cleaners, chlorine bleach, disinfectants, drain decloggers, floor & furniture polish, oven cleaners, metal cleaners/polish, window, glass cleaners	Aftershave, perfume, depilatories, hair lotions, dyes, medicines, nail polish, remover, shoe polish	Transmission fluid, batteries, antifreeze, brake fluids, body filler, auto spray paint, car wax, fuel (including kerosene or diesel), windshield washer fluid	Fertilizers, pesticides, rat & mouse poison, roach & ant poison, propane tanks, pool chemicals	glues and cements, paints (latex & alkyd max. 20 4 litre cans or 420 litre pails), paint strippers, rust remover, stains, finishes, thinners & turpentine, wood preservatives, mothballs, flea collars & sprays
Laundry	General	Bio-Medical waste		
Chlorine bleach, stain removers	Air purifiers, batteries (dry cell), butane lighters and cylinders, lighter fluid	<p>Human Anatomical Waste: consisting of human tissue, organs and body parts, but does not include teeth, hair and nails.</p> <p>Animal Waste: consisting of contaminated animal waste with viruses and agents listed in Risk Group 4 of the Medical Research Council of Canada/Health and Welfare Canada publication "Laboratory Biosafety Guidelines", and all animal tissues, organs, body parts, carcasses, bedding, fluid blood and blood products, items saturated or dripping with blood, body fluids contaminated with blood, and body fluids removed for diagnosis or removed during surgery, treatment or autopsy excluding teeth, hair, nails, hooves and feathers.</p> <p>Microbiology Laboratory Waste: consisting of laboratory cultures, stocks or specimens of micro-organisms, live or attenuated vaccines, human or animal cell cultures used in research and laboratory material that has come into contact with any of these.</p> <p>Human Blood and Body Fluid Waste: consisting of human fluid blood and blood products, items saturated or dripping with blood, body fluids contaminated with blood, and body fluids removed for diagnosis during surgery, treatment or autopsy, but does not include urine or feces.</p> <p>Sharps Waste: Sharps are clinical and laboratory materials consisting of needles, syringes, blades, or laboratory glass capable of causing punctures or cuts,</p>		

SCHEDULE C – Tires, Metal Items and E-Waste

The following items are considered tires, metal items and e-waste and shall not be included in the curbside collection program:

Tires	Metal items	E-waste	Construction/Demo Waste
Used tires, whole or shredded, from automobiles, ATV's, wheel barrels, and trollies.	Automobiles, metal rods, metal roofing, household appliances (fridge, stoves, washers, dryers, microwaves)	Electronics (televisions, DVD players, tuners, speakers, radios, video recorders, typewriters), devices of office, information and communications technology (computers, answering machines, telephones, & cell phones), lighting devices (desk lamps), power tools (power drills), devises used sport and leisure including toys (fitness machines, remote control cars)	Wood, drywall, asphalt, concrete, and masonry

SCHEDULE D – Penalties

1st offence guidelines:

MFN Law Penalty Schedule	Early	Standard
Unauthorized access	\$1000.00	\$1000.00
Fail to dispose of waste according to this law	\$50.00	\$100.00
Unauthorized Disposal of waste by a non-Band member at the MFN Waste Management Depot	\$50.00	\$100.00
Place or mix hazardous waste with household waste	\$150.00	\$250.00
Failure to comply with, or obstruction of, Enforcement Officer or designate	\$150.00	\$250.00

***Early:** on or before the due date on ticket*

***Standard:** after the due date on ticket*

- 2nd offence – double (maximum of \$1000.00)
- 3rd offence – triple (maximum of \$1000.00)
- 4th offence –Suspended or Prohibited by Band Council Resolution or Court order from using the MFN Waste Management Depot

SCHEDULE E: Behaviour Management System

MFN Behaviour Management	Management System
Fail to dispose of waste according to Law	Attend half day education session on proper waste disposal and effects on lands, waters
Unauthorized Disposal of waste by a non-band member	Attend half day education session on treaty rights, shared responsibilities to all creation
Place or mix dangerous material with waste	Attend half day education session on damages to the lands, human health on dangerous materials
Failure to comply with or obstruction of Enforcement Officer or designate	Attend half day education session on responsible behaviours to the lands, waters and humans.

2nd offence – Community service at the MFN Waste Management Depot

3rd offence – attend MFN Behaviour Management system again and Community service at the MFN Waste Management Depot

4th offence – Suspended or Prohibited by Band Council Resolution or Court order from using the MFN Waste Management Depot