

MISSISSAUGA FIRST NATION

*Waste Management law*

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| Enacted  Revised Draft  Revised Draft  First Draft | 04/10/2018  03/27/2018  2014 |

**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 current landfill site, contamination from the landfill site and the practices related to operating, maintaining and using the landfill site;

**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 disposal site within the Mississauga First Nation community.

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

1. **DEFINITIONS AND INTERPRETATION**
   1. In this Law, unless the context otherwise requires:

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

“**Enforcement Officer**”means the First Nations Constables 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;

“**Construction and Demolition Waste**” means waste from home renovations and demo­lition projects and materials as outlined in Schedule C in the MFN Waste Manage­ment Policy;

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

“**Homeowner**” means those individuals that own the home, are renting, or leasing.

“**Household Hazardous Waste**” means those 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**” means 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;

“**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 the 18,172 ha in the Land Settlement Agreement, dated April, 1994;

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

“**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 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.

1. **WASTE DISPOSAL**
   1. No person will dispose of waste except in accordance with the provisions of this Law.
2. **CURBSIDE COLLECTION**
   1. The Infrastructure Director as well as any appointed MFN Enforcement Officers are each hereby authorized to carry out their respective duties as are necessary to perform the responsibilities set forth in this Law.
   2. Chief and Council is authorized to establish, maintain and operate a system of waste collec­tion, removal and disposal within the MFN Lands by,
      1. contracting with a person or corporation selected by Chief and Council to perform these services; or
      2. by using equipment owned by MFN and MFN employees, and where such service will be under the direct control and inspection of the Infrastructure Director Manager.
   3. Every person within MFN Lands must dispose of all waste generated on their parcel of land in accordance with this Law.
3. **DISPOSAL REQUIREMENTS**
   1. All waste to be collected by the First Nation, or its contractor, must comply with the follow­ing requirements:
      1. No liquids shall be put in or allowed to accumulate in any container.
      2. All household waste must be placed in a strong garbage bag, of no greater size than 90 litres;
      3. Ashes must be placed extinguished, uniformly cooled to ambient temperatures, and placed in non-combustible containers and separated from waste or other flammable material.
   2. Those who wish to dispose of their own household waste must put all household waste directly into the appropriate bunker at the MFN Waste Management Depot.
   3. Tires, metal items, construction and demolition waste, e-waste, and any other items larger than a 60L trash bag will not be eligible for curbside pickup, and must be transported and disposed of by the homeowner by depositing it in the designated area at the MFN Waste Management Depot disposal site.
4. **PROHIBITED MATERIALS**
   1. No person shall place or mix household hazardous waste in the same con­tain­er or bag for removal as household waste.
   2. Household waste disposal will not include any of the following:
      1. Hot ashes from incinerators or burning barrels;
      2. Any hazardous waste;
      3. Oil, fuel or other engine or equipment fluid filters;
      4. Tires, metal items, construction/demo waste;
      5. E-waste;
      6. Pharmaceuticals; or,
      7. Waste created outside the MFN reserve lands.
   3. Council reserves the right to refuse to collect and remove, or accept into the MFN Waste Management Depot, any waste material, as defined by this Law, including but not re­stricted to household hazardous waste, e-waste, tires, metal items, and construction and demolition waste, and pharmaceuticals.
5. **GENERAL PROVISIONS**
   1. The Infrastructure Department may implement seasonal clean-up programs in the residential areas of MFN Lands. These programs may offer a bulk pick-up of excess 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.
   2. No Public Works Department collector, or contactor operating on behalf of the First Nation, will enter any premises for the purpose of collecting garbage.
   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. **IMMUNITY**
   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:
      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
      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.
   2. Section 8.1 does not provide a defense if:
      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,
      2. The cause of action is libel or slander.
   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.
   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:
      1. was done pursuant to this law;
      2. was purported to have been done pursuant to the powers conferred by this Law; and,
      3. might have been lawfully done by MFN and is acting in the manner established by Law; or
      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.

* 1. 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:
     1. There was a reasonable excuse for the late notice; and,
     2. MFN has not been prejudiced in its defense by the failure or insufficiency of any notice.

1. **OFFENCES**
   1. Any unauthorized person who is not a member of Mississauga First Nation on Mississauga First Nation lands or waters will be guilty of an offence and is liable of a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding 6 months. Further to this, a penalty may be imposed for the unlawful disposal of waste.
   2. A person commits an offence, who
      1. fails or refuses to comply with any provision of this law;
      2. submits false or misleading information to a MFN Waste Management Depot atten­dant; or,
      3. obstructs, interferes with or hinders Chief and Council, the Enforcement Officer or any authorized employee, officer or agent in carrying out of their duties and respon­sibilities under this Law.
   3. Where an act or omission in contravention of this 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 contains, and may be punished as such.
   4. A person who commits an offence under this law is liable on summary conviction to the minimum fines as set out in the Penalties – Schedule “D” to this law. Notwithstanding anything else in this law, in no case shall the fine exceed $1000.00.
   5. When an information or ticket is issued to a person, the ticket or information shall include a specific due date. If the defendant pays the fine before the due date, the First Nation shall accept a lower fine to resolve the matter as set out in the Penalties – Schedule “D” to this law. If the penalty is not pay on or before the due date, then the matter shall proceed for the full amount of the minimum fine.
   6. Upon a second conviction for any offence, the minimum fines are doubled, and upon a third conviction, the fines are tripled.
   7. If a person is convicted of any offence for a fourth time, and any subsequent convictions, they will no longer be allowed access to the MFN Waste Management Depot. Band Council may, in its sole discretion, reinstate the person’s access to the MFN Waste Management Depot and waste pickup by BCR upon the successful completion of Management System activities, as set out in the Behaviour Management System - Schedule “E” to this law.
2. **APPLICATION OF LAW**
   1. 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.
   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 the 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 statue 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* as well as the *MFN Land Code* and takes effect on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 201

Signed by the following members of Chief and Council:

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Chief Councillor

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Councillor Councillor

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Councillor Councillor

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SCHEDULE A – Recyclables**

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| --- | --- | --- | --- |
| **Metal Cans & Foil** | **Empty Aerosol Cans and**  **Styrofoam** | **Plastic Containers** | **Newspapers and Magazines** |
| Rinse cans. Place lids in a can, pinch closed and put in blue bin.  DO NOT PUT ALUMINUM CANS INSIDE TIN ONES.  Include clean aluminum foil and pie plates. Flattened cans save space!  NO pots, cigarette or butter wrappers or scrap metal. | Make sure metal containers are empty.  NO paint cans, or plastic paint cans, propane cylinders or other hazardous waste shall be recycled. | 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.  All plastics with the numbers 1 to 6 on the bottom are OK. No blister or bubblepacks,  prescription bottles or toys. | Place newspapers, inserts, phone books, magazines and catalogues in a plastic bag next to your blue bin. |
| **Boxboard and Mixed Paper** | **Plastic Bags** | **Corrugated Cardboard** |  |
| Bundle junk mail and office paper separately from Boxboard.  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.  No drink boxes, tissue, paper towel or laminated paper. Do not put paper loose in blue bin. | Stuff clean, dry plastic bags into a plastic bag and tie handles.  Include rinsed milk pouches, grocery, bread, dry cleaning, frozen vegetable and blue newspaper bags as well as outer wrapper from toilet and hand tissues. Remove food residue, stickers and receipts. No meat, cheese or stretch wrap, cereal box liners or chip bags. | Flatten and bundle corrugated cardboard boxes.  Only broken down boxes will be collected.  No waxed boxes. |  |

**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, | Aftershave, perfume, | Transmission fluid, | Fertilizers, pesticides, | glues and cements, |
| ammonia-based | depilatories, hair | batteries, antifreeze, | rat & mouse poison, | paints (latex & alkyd |
| cleaners, chlorine | lotions, dyes, | brake fluids, body | roach & ant poison, | max. 20 4 litre cans |
| bleach, disinfectants, | medicines, nail polish, | filler, auto spray paint, | propane tanks ( up to | or 420 litre pails), |
| drain decloggers, floor | remover, shoe polish | car wax, fuel ( | 20 lb. tanks), pool | paint strippers, rust |
| & furniture polish, |  | kerosene, diesel), | chemicals | remover, stains, |
| oven cleaners, metal |  | windshield washer |  | finishes, thinners & |
| cleaners/polish, |  |  |  | turpentine, wood |
| window, glass |  |  |  | preservatives, |
| cleaners |  |  |  | mothballs, flea collars |
|  |  |  |  | & sprays |
| Laundry | General | Medical waste |  |  |
| Chlorine bleach, stain | Air purifiers, batteries | Needles, syringe with |  |  |
| removers | (dry cell), butane | needle, surgical |
|  | lighters and cylinders, | instruments, human |
|  | lighter fluid | tissue, bone, organ, |
|  |  | body part, a vessel |
|  |  | containing liquid body |
|  |  | substance, a |
|  |  | specimen or culture |
|  |  | discarded from a |
|  |  | medical |
|  |  | practice/research |

## 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:

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| --- | --- | --- | --- |
| Tires | Metal items | E-waste | Construction/Demo  Waste |
| Used tires from automobiles, ATV’s, wheel barrels, and trollies. | Automobiles, metal rods, metal roofing, household appliances (fridge, stoves, washers, dryers, microwaves) | Entertainment electronics (televisions, dvd players, tuners, speakers, radios, video recorders, typewritters), 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:

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| --- | --- | --- |
| **MFN Law Penalty Schedule** | **Early** | **Standard** |
| Unauthorized trespass | $1000.00 | $1000.00 |
| Fail to dispose of waste according to Law | $50.00 | $100.00 |
| Disposal of waste by a non-Band member | $50.00 | $100.00 |
| Fail to dispose waste correctly | $50.00 | $100.00 |
| Place or mix dangerous material with 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 – banned from using the MFN Waste Management Depot

**SCHEDULE E: Behaviour Management System**

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| **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 |
| Disposal of waste by a non-band member | Attend half day education session on treaty rights, shared responsibilities to all creation |
| Failure to dispose waste correctly | Attend half day education session on proper waste disposal and effects on lands, waters |
| 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 – volunteer at the MFN Waste Management Depot

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

4th offence – banned from using the MFN Waste Management Depot