
WILLIAMS LAKE FIRST NATION SOLID WASTE MANAGEMENT LAW 2024-01



July 11, 2024

**WILLIAMS LAKE FIRST NATION
SOLID WASTE MANAGEMENT LAW 2024-01**

WHEREAS:

- A. Williams Lake First Nation has an inherent right to self-government which emanates from its people, culture, language, aboriginal rights, including title, over its traditional lands, which includes, but is not limited to, our Williams Lake First Nation Lands, and is recognized and affirmed by section 35 of the Constitution Act, 1982;
- B. Williams Lake First Nation has assumed control of its Williams Lake First Nation Lands pursuant to the First Nations Land Management Act, S.C. 1999, c. 24 by entering into the Individual Agreement on First Nation Land Management between Williams Lake First Nation and her Majesty the Queen in right of Canada and by adopting a Land Code;
- C. Pursuant to the Land Code and the *First Nation's Land Management Act*, the Williams Lake First Nation Council can make laws with respect to the use of Williams Lake First Nation Lands, including a Solid Waste Management Law;
- D. The Council of Williams Lake First Nation deems it advisable and in the best interests of Williams Lake First Nation to enact a law to provide for the operation and control of a system of collection, removal and disposal of solid waste on WLFN Lands;

NOW THEREFORE Council of Williams Lake First Nation enacts the following law:

1. TITLE

- 1.1 This Law may be cited as the "WLFN Solid Waste Management Law 2024-01".

2. DEFINITIONS

- 2.1 In this Law, unless the context otherwise requires:

"biomedical waste" means any of the following:

- (i.) **"human anatomical waste"** consisting of human tissue, organs and body parts, but does not include teeth, hair and nails.
- (ii.) **"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.

- (iii.) **"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.
- (iv.) **"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.
- (v.) **"waste sharps"** are clinical and laboratory materials consisting of needles, syringes, blades, or laboratory glass capable of causing punctures or cuts, but specifically excludes cremated human remains.

"Chief Administrative Officer" means the person appointed by Council as the Chief Administrative Officer of Williams Lake First Nation;

"collection area" means the areas of Williams Lake First Nation Lands designated for garbage, recycling and other solid waste disposal by Council from time to time;

"collection container" includes both standard containers and special containers;

"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 solid waste must be stored and collected from a single point on the premises;

"construction and demolition waste" means materials including, but not limited to: wood, metals, plastics, cement, lumber, drywall, and garbage generated during the construction, renovation or demolition of a dwelling unit or commercial premise but does not include rock and soil;

"Council" means the lawfully elected governing body of Williams Lake First Nation;

"food scraps" means all food scraps (fruits, vegetables, dairy products, baked goods and breads, eggshells, nuts and nut shells, pasta, coffee grounds, tea bags, meat, fish, and plate scrapings etc.) and food-soiled paper (paper towels, napkins and pizza boxes) but specifically excludes animal bones.

"garbage" means general rubbish, ash, or discarded materials normally associated with residential use or commercial premises, but specifically excludes liquids, "biomedical waste", "construction and demolition waste", "food scraps", "hazardous waste", "recyclable materials", "yard waste", rock and soil;

"hazardous waste" means chemical, biological, or bacteriological material or waste that is or may become explosive, radioactive, corrosive, flammable, reactive, toxic, or

infectious and all substances now or hereafter included in the definition of hazardous waste as defined in the *Environmental Management Act Hazardous Waste Regulation* (B.C. Reg. 63/88), as amended from time to time;

"multiple dwelling premises" means all buildings containing more than four individual dwelling units;

"occupant" or "occupier" means a person who is legally entitled to occupy or simply occupies a parcel of land, building, dwelling or premises within WLFN Lands;

"parcel of land" or "parcel" means any lot, block, manufactured home pad or other area in which real property within Williams Lake First Nation Lands is held or into which real property within WLFN Lands is subdivided and the improvements affixed to it;

"person" in addition to its ordinary meaning, includes any association, household, society, corporation, partnership or party, whether acting by themselves or by a servant, agent or employee, and the successors, assigns and personal or other legal representatives of such person to whom the context can apply according to law;

"premises" means commercial premises, multiple dwelling premises and residential premises;

"recyclable materials" means all solid waste materials listed in Schedule A of this Law which may be disposed of in recycling containers;

"registered holder" means a person who is registered in the Williams Lake First Nation Lands register as the holder of an interest in WLFN Lands and, where applicable, includes the occupant;

"residential premises" means one or more rooms constituting a unit of living accommodation used or intended to be used for living and sleeping purposes and containing a sink and cooking facilities;

"solid waste" means "biomedical waste", "construction and demolition waste", "garbage", "hazardous waste", "food scraps", "recyclable materials", "yard waste", and all other forms of refuse and organic or inorganic waste;

"solid waste disposal" means the collection of garbage, recycling or other solid wastes under the provisions of this Law;

"Solid Waste Manager" means the person designated by resolution of Council as the person responsible for enforcing and carrying out the provisions in this Law;

"special container" means a specially designed non-corrosive, durable receptacle of two, three, four, or six cubic yard capacity fitted with equipment that will allow the receptacle to be elevated and dumped mechanically by a garbage or recycling truck. The

design of such special containers must be pre-approved by the Solid Waste Manager. Such special containers must be stored in a location deemed acceptable to the Solid Waste Manager or their delegate;

"standard container" means either a non-corrosive, durable receptacle, fitted with secure handles and a watertight cover, which receptacle must be of not more than three and one-half cubic feet, or approved plastic bags, which must contain not more than 95 litres (25 gallons), and must not weigh more than 25 kilograms (55 pounds) when full, used for the collection of garbage from residential dwelling premises;

"wildlife" means any mammals not normally domesticated, including but not limited to bears, badgers, cougars, coyotes, wolves, foxes, raccoons, and skunks;

"Williams Lake First Nation Law" or **"WLFN Law"** means a law enacted pursuant to the WLFN Land Code or a WLFN bylaw pursuant to the Indian Act;

"WLFN" means the Williams Lake First Nation;

"Williams Lake First Nation Lands" or **"WLFN Lands"** means:

(a) the following WLFN Indian Reserves:

- i) Williams Lake Indian Reserve No. 1;
- ii) Asahal Indian Reserve No. 2;
- iii) Five Mile Indian Reserve No. 3;
- iv) James Louie Indian Reserve No. 3A;
- v) Tillion Indian Reserve No. 4;
- vi) Chimney Creek Indian Reserve No. 5;
- vii) San Jose Indian Reserve No. 6; and
- viii) Carpenter Mountain Indian Reserve No. 15

(b) lands set apart by Her Majesty the Queen in right of Canada in the future as lands reserved for the use and benefit of Williams Lake First Nation, within the meaning of subsection 91(24) of the Constitution Act, 1867;

"WLFN Land Code" means the Williams Lake First Nation Land Code which came into force and effect on July 1, 2014;

"WLFN Law Enforcement Officer" means the person or persons appointed by Council, from time to time, to administer and enforce the provisions of Williams Lake Laws enacted by Council, and includes any delegate; and

"yard waste" means plants, flowers, leaves, grass cuttings, plant or shrubbery cuttings, and tree pruning less than five (5) centimeters in diameter.

- 2.2 Unless otherwise provided in this Law, words, expressions and rules of construction used in this Law have the same meaning as in the WLFN Land Code.

3. SOLID WASTE DISPOSAL

- 3.1 No person within WLFN Lands will dispose of solid waste except in accordance with the provisions of this Law.

4. SOLID WASTE COLLECTION SYSTEM

- 4.1 The Solid Waste Manager and the WLFN Law Enforcement Officer are each hereby authorized to carry out their respective duties as are necessary to perform the responsibilities set forth in this Law.
- 4.2 Council is authorized to establish, maintain and operate a system of solid waste collection, removal and disposal within WLFN Lands, either by contract with a person appointed by Council, or by use of equipment owned by WLFN, and such service will be under the control and inspection of the Solid Waste Manager.
- 4.3 Council is authorized to establish a billing and collection system, either by contract with the person appointed under section 4.2, or by use of WLFN facilities under the control and inspection of the Solid Waste Manager.
- 4.4 Every registered holder of premises within WLFN Lands must dispose of all solid waste generated on their parcel of land in accordance with this Law.
- 4.5 Every registered holder of premises within WLFN Lands must dispose of solid waste either by:
- (a) utilizing a disposal system established by Council pursuant to this Law and by paying the rates and fees established by Council, from time to time; or
 - (b) where a WLFN system is not available, then either by utilizing:
 - (i) where applicable, an independent solid waste collection service provider, provided by Williams Lake First Nation and contracted by the strata corporation, homeowner's association or some such similar association;
 - (ii) an independent solid waste collection service provider approved by Williams Lake First Nation; or
 - (iii) a Cariboo Regional District waste transfer station, landfill or refuse site in accordance with applicable laws and bylaw.
- 4.6 Where a registered holder of premises is disposing of solid waste consisting of food scraps and/or yard waste, that person may utilize a suitable private composting facility or

a household composting system capable of processing food scraps and/or yard waste.

- 4.7 All composting on WLFN Lands must minimize the generation of odors, must not serve as an attractant to wildlife or domestic animals and must comply with all applicable WLFN Laws.

5. CONTAINER REQUIREMENTS, DISPOSAL REQUIREMENTS AND PROHIBITED MATERIALS

- 5.1 Council must, by resolution passed at a duly convened meeting, establish a schedule for container requirements, disposal requirements and prohibited materials which complements and supports this Law, and will post notice in the public area of the WLFN administration building and make a copy available for viewing upon request and free of charge at the administrative offices of WLFN.
- 5.2 Council may, by resolution passed at a duly convened meeting, correct, revise or update the schedule for container requirements, disposal requirements and prohibited materials for solid waste collection. WLFN shall post notice of amendment to the schedule in the public area and will make a copy available for viewing upon request and free of charge at the administrative offices of WLFN.

6. GENERAL PROVISIONS

- 6.1 No solid waste collector will enter any premises for the purpose of carrying out or returning thereto a collection container.
- 6.2 No solid waste collector will demand or receive any gratuity, gift, payment or consideration for services rendered in connection with solid waste collection beyond their regular remuneration.

7. RIGHT OF ENTRY

- 7.1 The Solid Waste Manager and the WLFN Law Enforcement Officer are authorized to enter, at all reasonable times, upon any parcel of land within WLFN 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.

8. FEES AND FORMS

- 8.1 Council may, by resolution passed at a duly convened meeting, establish, correct, revise or update the terms of any applicable fee 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 WLFN administration building and make a copy of same available for viewing free of charge at the administrative offices of Williams Lake First Nation and available for distribution at a nominal charge.

9. NOTICES & CHARGES AGAINST REGISTERED HOLDERS

- 9.1 Where Williams Lake First Nation is required to give notice to or imposes an additional cost or charge against the registered holder and two or more persons are shown as registered holders in respect of a parcel of land, then a notice given to or a cost or charge imposed against one registered holder is not invalidated by the failure to give notice to or impose a charge against any other registered holder.

10. OFFENCES

- 10.1 No person shall obstruct, interfere with or hinder Council, the Solid Waste Manager, the WLFN Law Enforcement Officer or any authorized employee, officer or agent in the carrying out of their duties and responsibilities under this Law.
- 10.2 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.
- 10.3 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.
- 10.4 Any person who is guilty of an offence under this Law is liable, on summary conviction, to a fine of not more than One Thousand Dollars (\$1,000.00) or to a term of imprisonment not exceeding thirty (30) days, or both.

11. IMMUNITY

- 11.1 No action for damages lies or may be instituted against present or past Council; the Solid Waste Manager; WLFN Law Enforcement Officer; or members, employees, servants or agents of either Williams Lake First Nation or Council:
- (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.
- 11.2 Section 13.1 does not provide a defence if:
- (a) Council, the Solid Waste Manager, WLFN Law Enforcement 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 willful misconduct; or
 - (b) the cause of action is libel or slander.

11.3 Williams Lake First Nation, present or past Council, or members, employees, servants or agents of any of WLFN or Council is 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 WLFN Law, or from the neglect or failure, for any reason or in any manner, to enforce this Law or any other WLFN Law.

11.4 All actions against WLFN for the unlawful doing of anything that:

- (a) is purported to have been done by Williams Lake First Nation under the powers conferred by this Law or any Williams Lake Law, and
- (b) might have been lawfully done by Williams Lake First Nation 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 Council in a particular case, but not afterwards.

11.5 Williams Lake First Nation 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 Williams Lake First Nation, 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 reasonable excuse; and
- (b) Williams Lake First Nation has not been prejudiced in its defence by the failure or insufficiency.

12. APPLICATION OF LAW

12.1 Where any federal Act or regulation or provincial Act or regulation or any other WLFN 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.

12.2 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.

12.3 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.

- 12.4 Unless otherwise noted, any specific statute named in this Law is a reference to an enactment of British Columbia 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 Williams Lake First Nation, as amended, revised, consolidated or replaced from time to time.

13. COMING INTO FORCE

- 13.1 This Law shall come into force and effect on the date that it is enacted pursuant to the *WLFN Land Code*.

BE IT KNOWN that this law entitled, "WLFN Solid Waste Management Law 2024-01" is hereby:

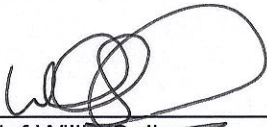
Read a first time by Council of Williams Lake First Nation at a duly convened meeting held on the 5th day of April, 2024;

Presented to the Membership at a Special Membership Meeting held on the 15th day of May, 2024;

Read a second time by Council at a duly convened meeting held on the 13th day of June, 2024;

Read a third time and enacted by Council of Williams Lake First Nation at a duly convened meeting held on the 11th day of July, 2024.

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



Chief Willie Sellars


Councillor Dancing Water Sandy



Councillor Ann Louie



Councillor Chris Wycotte



Councillor Shae Chelsea

SCHEDULE A – CONTAINER REQUIREMENTS, DISPOSAL REQUIREMENTS AND PROHIBITED MATERIALS

1. GENERAL CONTAINER REQUIREMENTS

- 1.1 All collection containers must at all times be kept clean and in a sanitary condition, and of sufficient strength and design to prevent access to, or disturbance of, the contents by domestic animals, wildlife, birds, rodents or other pests. Except between the hours of 7:00 p.m. on the night prior to collection and 7:00 p.m. on the day of collection, collection containers must be securely stored in a location not easily accessible to wildlife, birds, rodents or other pests.
- 1.2 All collection containers must be kept on the premises at all times and must not be kept or put on, encroached upon, or project over any street, lane or public place except when placed on such street or lane for the purpose of collection under this Law.
- 1.3 All containers must be kept covered with watertight lids, or fastened in such a manner that they are watertight.

2. CONTAINER REQUIREMENTS FOR PERSONS UTILIZING COLLECTION SYSTEM

- 2.1 Every registered holder of premises within the collection area must provide and maintain in sanitary condition and in good order standard containers or special containers sufficient in number at all times to contain all garbage and recycling. WLFN or its contractors will not be responsible for the replacement of any collection containers or lids damaged or lost for any reason whatsoever.
- 2.2 All standard containers must be kept on the ground level or on a platform not more than 609 centimeters (two feet) in height above the ground and must be readily accessible from the street, or land abutting the premises.
- 2.3 All collection containers must be kept and maintained at, and readily accessible for emptying, between the hours of 7:00 a.m. and 7:00 p.m. on the day of collection.
- 2.4 If a collection container is enclosed in a structure, it must be built with doors opening upon the pick-up side so that the container may be readily removed.
- 2.5 Where arrangements have been made for on-site pick up, a passage way and ready means of access to collection containers on premises to which no lane has access must, at all reasonable times, be provided from the street, and such passage way means of access must be unobstructed, satisfactorily maintained, and of sufficient size and kind to enable any employee or contractor of WLFN to have access thereto.
- 2.6 Residential premises will be permitted to place out for pick up an average weekly volume of garbage equivalent to one (1) standard container. Standard containers must not weigh in excess of 25 kilograms (55 pounds) per individual container when full. Inert refuse, not bagged or placed in containers, must be tied securely in bundles not exceeding a length of one metre (three feet) or a weight of 25 kilograms (55 pounds).
- 2.7 Residential premises will be permitted to place out for pick up an average weekly volume of recycling equivalent to one (1) standard container. Standard containers must not weigh

in excess of 25 kilograms (55 pounds) per individual container when full. Inert refuse, not bagged or placed in containers, must be tied securely in bundles not exceeding a length of one metre (three feet) or a weight of 25 kilograms (55 pounds).

- 2.8 Multiple dwelling premises and commercial premises may use standard containers or special containers with a cubic yard capacity approved by the Solid Waste Manager.
- 2.9 All collection containers and any structures used as a cover for such containers must, at all times, be kept in good repair, clean and accessible for inspection at all reasonable hours. When any collection container has been condemned by the Solid Waste Manager or a WLFN Law Enforcement Officer, such container must be removed by the registered holder of the premises who must provide a suitable container in its place.
- 2.10 The Solid Waste Manager may suspend collection service from premises where collection containers or location or design of pick-up facilities are contrary to the provisions of this Law, but such suspension will not waive any requirement, or abate or waive any charges or rates under the provisions of this Law.

3. DISPOSAL REQUIREMENTS – GENERAL

- 3.1 No liquids shall be put in or allowed to accumulate in any collection container.
- 3.2 Fish or animal cuttings and processing wastes must be disposed of in a manner and location determined by the Solid Waste Manager.

4. DISPOSAL REQUIREMENTS – GARBAGE

- 4.1 All garbage, as defined by this Law, may be disposed of in garbage collection containers. All garbage must be wrapped in appropriate plastic bags or containers before being placed within any collection container.
- 4.2 All materials which might adhere to any collection container, must be separately wrapped or disposed of within appropriate plastic bags or containers before being placed within the collection container.
- 4.3 Ashes must be placed in noncombustible containers, separate from other garbage or inflammable material.
- 4.4 Food scraps and yard waste may be disposed of in garbage collection containers. All food scrapes must be disposed of within appropriate plastic bags or containers before being placed within the garbage collection container.

5. DISPOSAL REQUIREMENTS – RECYCLING

- 5.1 All recyclable materials may be disposed of in recycling collection containers. Items that may be placed in recycling containers include:
 - (a) Clean paper;
 - (b) clean tin and metal cans;
 - (c) clean aluminum foil;

- (d) plastics labelled one (1) through seven (7);
 - (e) all types of cardboard including corrugated cardboard; and
 - (f) glass bottles and containers, all colours.
- 5.2 Only recyclable materials may be disposed of in recycling collection containers. No other materials may be placed in recycling collection containers.
- 5.3 WLFN reserves the right to refuse to collect recycling if recycling collection containers are found to contain nonrecyclable materials.
6. **PROHIBITED MATERIALS**
- 6.1 No person shall place or mix with any material for removal as garbage or recycling any explosive, volatile, corrosive materials, dangerous chemicals or any other material dangerous to the health and/or safety of the garbage and recycling collection personnel.
- 6.2 Garbage and recycling disposal will not include any of the following:
- (a) Hazardous waste
 - (b) hot ashes from incinerators or burning barrels;
 - (c) any liquid wastes, bulk chemical composition waste;
 - (d) raw sewage or septic tank sludge;
 - (e) dead animals;
 - (f) biomedical waste;
 - (g) pesticides, herbicides or fertilizer;
 - (h) batteries and electronic devices;
 - (i) oil, fuel or other equipment lubricant filters; or
 - (j) construction and demolition waste.
- 6.3 WLFN reserves the right to refuse to remove any waste material which is not garbage, recycling, food scrapes or yard waste as defined by this Law.