



Taza Development Waste Management Law

L.WM.YYDD

Under the guidance of Almighty God, Our Creator, and as a sovereign Nation; We, the peoples of Tsuut'ina Nation, in preservation and continuation of the Tsuut'ina Nation's unique culture, identity, traditions, language and institutions, and with respect to the special relationship to the land and resources, in continued relationship with all First Nations and Canada; Do ordain and establish this law in accordance with our inherent right to governance.

Nato ninist'iya dinachowi diyi nananitini k'asona diyi datl'ishi nanisaatluni niiha nihina?o-ha tlaat'a Tsuut'ina wusa dinaloku nihininisha, nihiusno, misila yino?i, nihigunaha misila nihininana?o-hi. Nisk'a uwa mits'i-hi tlaat'a dina-tii uwa Canada isla najuna adadanazini diyi datlishi dik'asilo niiha nihina?o-ha gwasala.

A Document to Enact the Taza Waste Management Law Within the Tsuut'ina First Nation Lands

**Enacted on [Month, Day of 2020] in Tsuut'ina Nation
Coming Into Force: [Month, Day, Year]**

NOTICE – DRAFT ONLY

This document is a non-binding draft of proposed legislation under development by the Tsuut'ina Nation. It has not been enacted and carries no legal force or effect. This draft is subject to review, revision, and formal approval by the Head Chief and Minor Chiefs of Tsuut'ina Nation. It may be amended or withdrawn at any time. Do not rely on this document for legal, regulatory, or development-related purposes.

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Preamble

WHEREAS the Tsuut'ina Nation Head Chief and Minor Chiefs desire to make a Law governing the Taza Development Waste Management on the Tsuut'ina Nation;

AND WHEREAS the Government of Canada recognizes the inherent right of self-government as an existing Aboriginal right under Section 35 of the *Constitution Act*, 1982;

AND WHEREAS it is recognized that the inherent right of governance includes the right to govern in relation to matters that are internal to the community, and integral to the unique culture, identity, traditions, languages and institutions of the Tsuut'ina Nation;

AND WHEREAS it is considered to be necessary for the benefit, security and preservation of the Tsuut'ina Nation and culture;

AND WHEREAS Head Chief and Minor Chiefs have the authority to enact this Law pursuant to the *Legislative Process Act*;

NOW THEREFORE: Head Chief and Minor Chiefs hereby enact this Law pursuant to the Tsuut'ina Legislative Process.

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Interpretation and Administration

Name

1. This Law shall be cited as the Taza Development Waste Management Law.

Purpose

2. The purpose of this Law is to regulate the storage, handling, collection and disposal of waste, organic and recyclable materials generated within the boundaries of the Taza Development on the Tsuut'ina Nation Reserve.
3. This Law shall be used in conjunction with the policies and procedures as adopted and amended by the Tsuut'ina Nation Head Chief and Minor Chiefs from time to time.
4. This Law shall align with the Waste Management Plan as outlined within the Taza Development Guidelines, which promotes the diversion of waste from landfills through recycling, re-use of materials and composting of organic waste.

Applicability

5. This Law applies to:
 - (a) All designated mixed-use/commercial lands and buildings within the boundaries of the Taza Development identified on the Land Use Zoning Maps, attached as Schedule 'A' to this Law,
 - (b) To the Land(s) that are designated as the Public Realm,
 - (c) To the disposal of all materials (i.e. hazardous waste, solid waste, and biomedical waste) produced as part of construction and demolition processes.

Interpretation

6. Wherever a word used in this Law is capitalized, the term is being used as it is defined in the Definitions section and where any word appears in regular font, its common meaning in the English language is intended.
7. Headings or sub-headings are inserted for ease of reference and guidance purposes only and do not form part of this Law.
8. Where this Law cites or refers to any other Act, Law, agency, organization, regulation or publication, the citation or reference is to the Act, Law, agency, organization, regulation or publication as amended, whether amended before or after the commencement of this Law, and includes reference to any Act, Law, agency, organization, regulation or publication that may be substituted in its place.
9. Each provision of this Law is independent of all other provisions and if any provision is declared invalid for any reason by the Court, all other provisions of this Law remain valid and enforceable.

Metric Measurement

10. All regulation measurements shall be made in metric.

Definitions

11. In this Law, the terms listed below have the following meaning:

- (a) **“Animal Waste”** means all forms of waste from animals or the treatment of animals except animal carcasses or parts,
- (b) **“Biomedical Waste”** means medical waste that requires proper handling and disposal because of environmental, aesthetic, and health and safety concerns as well as risks to human health and includes:
 - i. human anatomical waste;
 - ii. infectious human waste;
 - iii. infectious animal waste;
 - iv. microbiological waste;
 - v. blood and body fluid waste; and
 - vi. medical sharps;
- (c) **“Building”** means any Structure used or intended for supporting or sheltering any use or occupancy.
- (d) **“Garbage Bag”** means a bag specifically marketed to store garbage for collection, and excludes bags that are intended for other purposes.
- (e) **“Hazardous Waste”** means waste that is generated from any premises and has one or more hazardous properties as described in the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, as amended from time to time and *Waste Control Regulation* (Alta. Reg. 192/1996), Schedule 1, as amended from time to time.
- (f) **“Industrial Waste”** means waste generated by commercial or industrial activities that presents health, safety or environmental concerns, and includes, but is not limited to, lime, sulfur, asbestos, contaminated soils, empty chemical containers and drums, carbon, acids, caustics, sludge, and industrial sump water, but excludes hazardous waste and biomedical waste.
- (g) **“Lands”** means the lands shown on Zoning Maps, as attached as Schedule ‘A’ to this Law.
- (h) **“Lane”** means a roadway that is primarily intended to give access to the rear of Buildings and Lots.
- (i) **“Law”** means this Taza Development Waste Management Law as it may be amended from time to time and includes all schedules attached to this Law.
- (j) **“Peace Officer”** means a Designated Enforcement Officer as appointed by the Tsuut'ina Nation to enforce the Laws of the Tsuut'ina Nation.

- (k) **“Person”** means an individual or a body corporate and includes a partnership, a group of persons acting in concert or an association unless the context explicitly or by necessary implication otherwise requires.
- (l) **“Public Realm”** means the public right-of-way areas and zones owned and operated by Tsuut’ina Nation within the Taza Development.
- (m) **“Street”** means any public road, including the boulevards, sidewalks, and improvements, but excluding a Lane, bridge, or walkway, or a private roadway.
- (n) **“Sub-Lessee”** is the registered sub-lease holder of a property located on the Taza Development.
- (o) **“Taza Development Guidelines”** means the Taza Development Guidelines as may be amended from time to time.
- (p) **“Waste”** means material that is set out for collection and includes garbage, recyclable material, and organic waste material.
- (q) **“Waste Collection Bin”** means a container provided for the storage of waste with a capacity of more than three-hundred-sixty-five (365) litres and constructed to be emptied mechanically into a collection vehicle.
- (r) **“Zone”** means an area delineated within the boundaries of the Taza Development on the Tsuut’ina Nation Reserve and established and designated by this Law for a specific Use of Uses.

Compliance with Other Laws

- 12. All schedules, forms, tables and diagrams attached to this Law shall form part of this Law.
- 13. Any contract and agreement between Tsuut’ina Nation and a Sub-Lessee with respect to the waste management shall be subject to this Law.

Tsuut'ina Nation Development Authority

Duties of the Tsuut'ina Nation Development Authority

14. Tsuut'ina Nation Development Authority (TDA) has authority to:
 - (a) Approve or set specifications for Waste Collection Bins, waste containers and garbage bags;
 - (b) Issue decisions regarding Waste Management on the Taza Development;
 - (c) Adopt fee schedules for fines and penalties; and
 - (d) Determine the duration that waste is permitted on the Taza Development.
15. Except as provided under an agreement authorized by this Law, Tsuut'ina Development Authority has no obligation to collect, accept or dispose of, or be responsible for collecting, accepting or disposing of, any waste, recyclable and/or organic materials generated by mixed use/commercial lands including buildings within the boundaries of the Taza Development.

Regulations

Individuals

16. No person shall scavenge waste from a Waste Collection Bin, waste container or garbage bag.
17. No person shall deposit waste in a Waste Collection Bin, waste container or garbage bag without the consent of:
 - (a) The owner of the bin or container; or
 - (b) The Occupant of the Sub-lessee where the bin or container is located.

Management of Waste Materials

18. The Sub-Lessee of the property shall temporarily store waste on the property from which it is generated, unless it is stored on the other property with the consent of the Sub-Lessee of those other properties.
19. The Sub-Lessee must ensure that waste generated on the property is set out in a Waste Collection Bin for collection by a waste collection service arranged by the Sub-Lessee.
20. Unless the Sub-Lessee has written approval from Tsuut'ina Development Authority to set waste containers and garbage bags out for collection in a specific location, a Sub-Lessee must ensure that Waste Collection Bins, waste containers and garbage bags containing garbage are:
 - (a) In the location identified on the Approved Site Servicing Plan and located immediately adjacent to a street or alley;
 - (b) At a central location where the collector will have easy, direct and safe access to the Waste Collection Bins, waste containers or garbage bags.
21. If it is impractical for a Waste Collection Bin to be located outside of a commercial/multi-use building, Tsuut'ina Development Authority may give written approval to the Sub-Lessee to store the Waste Collection Bin inside the building.
22. Tsuut'ina Development Authority shall not give written approval for a Waste Collection Bin to be stored inside a building unless Tsuut'ina Nation Fire and Rescue services is satisfied with the location of the Waste Collection Bin within the building.
23. The Waste Collection Bins, waste containers and any similar collection containment system may only be placed on the property as per the approved Development Permit, Site Servicing Plans and/or Public Realm Permit.
24. All developments are required to outline their waste and recycling approach including pick-up and sizing strategy during the Development Permit/Public Realm Permit process.
25. If there is a fence between waste that has been set out for collection and street or alley, the owner must ensure there is an opening in the fence:
 - (a) At least 0.2 meters wider than all the Waste Collection Bins; and

- (b) At least 0.4 meters higher than the highest Waste Collection Bins,
Such that the collector can easily and safely access the Waste Collection Bins and garbage bags.
26. The Sub-Lessee must ensure sufficient Waste Collection bins, waste containers and garbage bags are available on the property and within the buildings to retain all garbage from the land.
27. The Sub-Lessee of the property shall ensure that all waste containers on the land are:
- (a) Maintained in good condition;
 - (b) Weighted or anchored so they cannot be inadvertently overturned;
 - (c) Of suitable size and at sufficient locations to discourage litter; and
 - (d) Emptied into the applicable Waste Collection Bin for that specific waste.
28. The Sub-Lessee shall ensure that waste stored or set out for collection on or adjacent to that owner's premises does not:
- (a) Create offensive odors;
 - (b) Become untidy; or
 - (c) Remain on the premises for an extended period of time resulting in offensive odors, waste accumulation and attracting wildlife.
29. The Sub-Lessee must provide and maintain the Waste Collection Bin and waste containers at their own cost in a timely manner and frequent manner.
30. Use of any land as a garbage dump, waste facility or hazardous waste facility is prohibited on the Taza Development and anywhere on the Tsuut'ina Nation.

Management of Recyclable Material and Organic Waste

31. The Sub-Lessee of a mixed-use/commercial property must ensure containers are available for the storage of:
- (a) Recyclable material;
 - (b) Organic waste;
- And stored separate from other waste containers.
32. The Sub-Lessee of the property shall ensure that all recycling and organic waste containers are:
- (a) Maintained in good condition;
 - (b) Weighted or anchored so they cannot be inadvertently overturned;
 - (c) Of suitable size and at sufficient locations to discourage litter; and
 - (d) Emptied into the respective recycling and organic waste bins, containers when full.
33. The Sub-Lessee of a mixed-use/commercial property must ensure clear signage is posted on all containers and Waste Collection Bins indicating what type of materials can be disposed in each container/bin.

34. The Sub-Lessee must provide and maintain the recycling and organic waste containers at their own cost.

Wrecked Vehicles

35. No outdoor storage of wrecked or disused vehicles shall be permitted on the Taza Development or anywhere on Tsuut'ina Nation.
36. All wrecked vehicles need to be hauled, towed and disposed of accordingly outside Tsuut'ina Nation.

Restrictions on Waste

37. The following types of waste will require collection by applicable waste/recycling collection service companies that specialize in these types of waste:
- (a) Industrial or hazardous waste;
 - (b) Biomedical waste;
 - (c) General medical waste;
 - (d) Sharp objects such as glass, nails, knives, or metal;
 - (e) Animal waste, dead animals or animal's parts;
 - (f) Sawdust and powered materials;
 - (g) Construction material;
 - (h) Automobile waste including automobile parts, tires and batteries;
 - (i) Liquids; and
 - (j) Waste that is unsafe for the waste collection service to access or handle.

Compliance and Enforcement

General Offences

38. Any person who contravenes any provision of this Law by doing an act or thing which the person is prohibited from doing or by failing to do any act or thing the person is required to do is guilty of an offence.
39. A person is guilty of an offence where they dump, deposit or store waste:
 - (a) On their property in a manner that is not in accordance with this Law; or
 - (b) On another person's property without their permission.
40. Any person who is convicted of an offence pursuant to this Law is liable on summary conviction to a fine as set out in Schedule 'A' to this Law.

Violation Tickets

41. Where the Tsuut'ina Peace Officer believes that a person has contravened any provision of this Law, the Tsuut'ina Peace Officer may commence proceedings against the person by issuing a violation ticket pursuant to the offences in Schedule 'A'.
42. If a person is convicted twice of the same provision of this Law within a twenty-four (24) month period:
 - (a) The penalty for the second conviction is twice the amount of the penalty for a first offence.
43. This section does not prevent any Tsuut'ina Nation Peace Officer from issuing a violation ticket requiring an appearance of the defendant at the Court, pursuant to the provisions of this Law, or any other applicable law, or from laying any information in lieu of issuing a violation ticket.

Amendments to this Law

Amendments

44. Amendments to this Law shall be made through the Tsuut'ina Legislative Process Act, as may be amended as necessary.

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Taza Development Waste Management Law, 2020 Appendix

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Schedule 'A' – Penalties

DESCRIPTION OF OFFENCE	PENALTY
Scavenge waste from another's Waste Collection Bin	\$200
Storing waste on other's premises	\$250
Waste deposited without consent	\$250
Disposing any waste on Tsuut'ina Nation	\$1,500
Improperly located waste containers	\$200
Allowing offensive odours or untidy waste on premises	\$200
Fail to provide single waste storage location	\$200
Use of improper waste containers	\$200
Improperly filled waste containers	\$200
Improperly filled garbage bags	\$200
Fail to use Waste Collection Bin	\$250
Fail to provide sufficient bins/containers	\$250
Fail to provide access to bins	\$250
Fail to provide litter receptacles	\$200
Fail to maintain litter receptacles	\$200

Head Chief and Minor Chiefs Signatory Page

THIS LAW IS HEREBY made at this duly convened meeting of the Head Chief and Minor Chiefs of the Tsuut'ina Nation this [] day of [Month, Year] by Nation Council Resolution.

Voting in favour of the Taza Development Waste Management Law, as evidenced by signatures, are the following members of the Head Chief and Minor Chiefs:

Tsuut'ina Nation Head Chief

Member of Tsuut'ina Minor Chiefs

Member of Tsuut'ina Minor Chiefs

Member of Tsuut'ina Minor Chiefs

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