

Title

KAHNAWÁ:KE SANITARY CONDITIONS LAW

K.R.L. c. S-1

Enacted on 20 *Onerahótókha*/April, 1968]

~~[Amended by MCR # 58/1977-78 on *Ohiari:ha*/June, 1977]~~

[Amended on 16 *Enníska*/February, 1993]

[Amended by MCR #52/1999-00 on 8 *Kenténhó:wa*/November 1999]

[Amended by MCR #17/2000-01 on 12 *Ohiari:ha*/June, 2000]

SECTION I

"Definitions"

1. DEFINITIONS

1.1 For the purpose of the present Law:

"Ashes"

"Ashes" includes the residue from the burning of any substance or thing;

"Conservation Officer"

"Conservation Officer" means a person appointed and sworn pursuant to the provisions of the Conservation Law, enacted 31 *Kenténha*/October, 1983;

"Debris"

"Debris" includes tin cans, bottles, glass, paper and unused construction materials or former parts of any construction or dwelling;

"Garbage"

"Garbage" includes any offal, garbage, filth, liquid or solid waste, rotten, spoiled, or used food, night-soil, wastes and generally anything which is or may be offensive or prejudicial to health or susceptible of endangering health;

"Land-fill"

"Land-fill" means earth, soil that may be cultivated and any loose surface material of earth that may be dug or plowed;

"Peacekeeper"

"Peacekeeper" means a person appointed and sworn as a Kahnawá:ke Peacekeeper pursuant to the provisions of the Kahnawá:ke Peacekeeper Law, enacted 17, *Ohiari:ha*/June, 1996;

"Person"

"Person" includes any possessor, user, occupant, owner, resident, lessee, or agent or wife or child of any of the foregoing of property or premises situated within the limits of the Mohawk Territory of Kahnawá:ke whether or not such person is a Kahnawá:ke Community Member;

<i>"Property"</i>	<p>"Property" includes all property, moveable and immovable, real and personal dwellings, buildings, residences, construction appurtenances, garages, driveways, yards, pastures, ditches, water, wharves, streams, rivers, lakes, ponds and <u>premises situated within the Mohawk Territory of Kahnawá:ke of which a person or the Mohawk Community of Kahnawá:ke has the possession, use, occupation, lease, enjoyment or exercise of rights in respect thereto;</u></p>
<i>"Refuse"</i>	<p>"Refuse" <u>designates garbage, ashes and rubbish, unless otherwise indicated by the context;</u></p>
<i>"Rubbish"</i>	<p>"Rubbish" includes all domestic refuse not defined as ashes or garbage as well as rags, wood, scrap, rubber, leather, leaves, metal, iron, crockery and any other trash.</p>
<i>"Responsibility for Property"</i>	<p>2. <u>RESPONSIBILITY FOR PROPERTY</u></p> <p>2.1 Every person is responsible for the permanent maintenance of his property and premises in a sanitary and proper condition and is responsible for all damages caused by the condition of, or things on, the said property and premises if he neglects or omits such maintenance.</p>
<i>"Duties of Persons"</i>	<p>3. <u>DUTIES OF PERSONS</u></p> <p>3.1 Without restricting the generality of article 2.1, every person shall maintain his property and premises:</p> <ul style="list-style-type: none"> (a) In a good state of repairs; (b) Free from any thing potentially or actually dangerous to the life, health, or welfare of any person; (c) Free from any fire or other hazard to life, health or property; and (d) Properly equipped to overcome any peril, including fire.
<i>"Accumulation of Refuse Prohibited"</i>	<p>4. <u>ACCUMULATION OF REFUSE PROHIBITED</u></p> <p>4.1 No person shall accumulate, allow to accumulate, store or keep on his property or premises any ashes, debris, garbage, rubbish or any other type of refuse whatever, save as hereinafter provided in article 5.1</p>

"Collection of Refuse"

5. **COLLECTION OF REFUSE**

5.1 All ashes, debris, garbage and any other type of refuse shall, at regular intervals ~~not more than seven days apart, be properly collected, wrapped and placed in~~ suitable containers by a member of each household or the persons responsible for the maintenance of the property or premises on which the refuse is situated.

"Disposal of Refuse"

6. **DISPOSAL OF REFUSE**

6.1 All containers in which refuse has been placed shall, at least once a week, be brought to and disposed of at such places on the Mohawk Territory of Kahnawá:ke designated for such purpose by the Mohawk Council of Kahnawá:ke by the persons mentioned in article 5.1

6.2 The Mohawk Council of Kahnawá:ke is hereby authorized to make such provisions as it may deem necessary for the regular removal of refuse from any property or premises within the Mohawk Territory of Kahnawá:ke and for the operation and use of any dump or land-fill within the Mohawk Territory of Kahnawá:ke:

- (a) For the operation and use of any dump or landfill within the Mohawk Territory of Kahnawá:ke;
- (b) Anyone involved in a land-fill operation on the Mohawk Territory of Kahnawá:ke must obtain an express written authorization from the Mohawk Council of Kahnawá:ke with conditions set out therein.

"Collection of Refuse"

7. **COLLECTION OF REFUSE**

7.1 In the event the Mohawk Council of Kahnawá:ke provides for the regular removal of refuse, such refuse shall be placed in suitable containers which shall be kept in a place readily accessible for such removal at such times as Mohawk Council of Kahnawá:ke may direct.

"Dangerous Things"

8. **DANGEROUS THINGS**

8.1 It is prohibited to place in, with or close to refuse any thing liable to cause accidents or damages to any person whether by combustion, corrosion, explosion or otherwise.

<i>"Conditions of Containers"</i>	9. <u>CONDITION OF CONTAINERS</u>
	9.1 All refuse containers shall be maintained in a clean, dry and proper condition by each household or person responsible for such containers and shall be properly stored by such person upon the removal or disposition of refuse.
<i>"Refuse on the Mohawk Territory of Kahnawá:ke"</i>	<u>10. REFUSE ON THE MOHAWK TERRITORY OF KAHNAWÁ:KE</u>
	10.1 No person shall deposit, deliver, leave, throw, dispose of or destroy in whole or in part any ashes, debris, garbage, rubbish or any other type of refuse on property held or owned by the Kahnawá:ke Mohawk Community or on the property of another person save as herein provided or with the express written authorization of the Mohawk Council of Kahnawá:ke.
<i>"Destruction of Refuse Prohibited"</i>	<u>11. DESTRUCTION OF REFUSE PROHIBITED</u>
	11.1 Except as provided in this Law, no person shall store, destroy or otherwise dispose of ashes, debris, garbage, rubbish and any other type of refuse whatever without the express written authorization of the Mohawk Council of Kahnawá:ke.
<i>"Death of Animals"</i>	<u>12. DEATH OF ANIMALS</u>
	12.1 The owner of any animal, including fowl, shall report the death of such animal to the Mohawk Council of Kahnawá:ke within 12 hours after such death and shall immediately follow the directives of the Mohawk Council of Kahnawá:ke or of any inspector hereinafter mentioned in respect to the disposal of the carcass or body of such animal.
<i>"Tainted Food"</i>	<u>13. TAINTED FOOD</u>
	13.1 No person shall have in his possession tainted, or unwholesome meat, fish, fowl or food of any kind, which may in any way, be injurious to health.
<i>"Control of Pests"</i>	<u>14. CONTROL OF PESTS</u>
	14.1 Every person shall take all reasonable precautions to control the incidence of pests, rats, rodents and other animals or things constituting a real or potential danger to health or susceptible of transmitting disease of any kind.

<i>"Scrap Prohibited"</i>	15. <u>SCRAP PROHIBITED</u>
	15.1 No person shall store, keep, maintain, erect or allow on his property any sign, poster, wreck, scrap, junk or vehicles of any kind no longer capable of being used or driven for the purposes for which they were built, on any property, premises or place. This prohibition applies throughout the Mohawk Territory of Kahnawá:ke.
<i>"Signs"</i>	16. <u>SIGNS</u>
	16.1 No signs, posters or advertisements of any kind shall be placed on the Mohawk Territory of Kahnawá:ke without the express written authorization of the Mohawk Council of Kahnawá:ke, which may order the removal of such objects at any time.
<i>"Waste Products"</i>	17. <u>WASTE PRODUCTS</u>
	17.1 No person shall dispose of excrement, dirty water, chemicals or waste of any kind except through proper plumbing facilities or in sanitary privies, chemical closets or cesspools approved by an inspector appointed under the present Law and provided that such disposal will not detrimentally affect drinking water or water constituting the source of wells or impair the health of any person.
<i>"Inspectors"</i>	18. <u>INSPECTORS</u>
	18.1 The Mohawk Council of Kahnawá:ke may appoint an inspector or inspectors to carry out and enforce the provisions of the present Law.
<i>"Authority of Inspectors"</i>	19. <u>AUTHORITY OF INSPECTORS</u>
	19.1 Any inspector appointed by the Mohawk Council of Kahnawá:ke pursuant to the present Law shall have the authority to enter any property, premises or place situated on the Mohawk Territory of Kahnawá:ke at all times for the purpose of inspecting such property, premises or place to determine if there has been proper compliance by any person with the present Law.
<i>"Functions of Inspectors"</i>	20. <u>FUNCTIONS OF INSPECTORS</u>
	20.1 In addition to the powers mentioned in article 19.1 such inspector may: (a) Order any person to do any work or perform any act to remedy any

contravention of the present Law and such person shall, upon receiving written notice of such order, be obliged to carry out such work within the week following such order;

(b) Confiscate any property or thing which contravenes or assists in contravening the provisions of the present Law;

~~(c) Carry out any work necessary to remedy any infringement of the present Law at the expense of the person responsible for such infringement, which person shall be obliged to reimburse the Mohawk Council of Kahnawá:ke for such expense when same is incurred; and~~

(d) Order and effect the immediate closure of any property, premises or place situated on the Mohawk Territory of Kahnawá:ke, where he has reasonable grounds to believe that there is non-compliance with the present Law. To do so, the inspector's powers shall include, but not be limited to, the power to place locks, seals or other devices on the property, premises or place and to post persons thereon to prevent access thereto or egress therefrom, until there has been full compliance with the present Law.

SECTION III

"Penalties"

21. PENALTIES

21.1 Any person who contravenes any provision of this Law shall be guilty of an offence and shall be liable on summary conviction to a fine of not less than Fifty (\$50.00) Dollars and not more than \$2000.00 or to imprisonment for a term not exceeding six (6) months, or both.

SECTION IV

"Coming into Force"

22. COMING INTO FORCE

22.1 This Law shall come into force on the day that it is declared to be in force by the Mohawk Council of Kahnawá:ke.

"Former Kaianerénhsra (Law) Repealed"

23. FORMER KAIANERÉHNSERA (LAW) REPEALED

23.1 Upon the coming into force of this Law, any other Law dealing with the matters provided for by this Law are repealed.