



**NOTTAWASEPPI HURON BAND OF THE POTAWATOMI
ENVIRONMENTAL DEPARTMENT**

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NOTTAWASEPPI HURON BAND OF POTAWATOMI

SOLID WASTE DISPOSAL ORDINANCE

**ORDINANCE #03-1800-01
PASSED ON MARCH 18, 2000**

NOTTAWASEPPI HURON BAND OF POTAWATOMI SOLID WASTE DISPOSAL ORDINANCE

SECTION I. INTRODUCTION/PURPOSE

THE NOTTAWASEPPI HURON BAND OF THE POTAWATOMI RECOGNIZES THAT UNSANITARY, INEFFICIENT, AND INAPPROPRIATE METHODS OF DISPOSAL OF SOLID WASTE HAVE AN ADVERSE IMPACT UPON THE ENVIRONMENT AND THE NATURAL RESOURCES OF THE NOTTAWASEPPI HURON BAND OF THE POTAWATOMI AND ITS MEMBERS, AND THE PROMULGATION OF STANDARDS OF SOLID WASTE DISPOSAL AND RECYCLING ARE IN THE BEST INTERESTS OF THE NOTTAWASEPPI HURON BAND OF THE POTAWATOMI PEOPLE. ACCORDINGLY, THE PURPOSES OF THE ORDINANCE ARE TO PROMOTE THE HEALTH, SAFETY AND WELFARE OF THE NOTTAWASEPPI HURON BAND OF POTAWATOMI MEMBERSHIP THROUGH THE ESTABLISHMENT OF STANDARDS NECESSARY TO THE SANITARY AND ENVIRONMENTALLY SOUND DISPOSE OF SOLID WASTE. THE HEALTH, SAFETY, AND WELFARE OF THE NOTTAWASEPPI HURON BAND OF THE POTAWATOMI MEMBERS AND THEIR ENVIRONMENT ARE OF THE UTMOST IMPORTANCE. THIS ORDINANCE INTENDS TO STIPULATE THE REGULATIONS AND PROCEDURES FOR HANDLING AND MANAGING SOLID WASTE ON NOTTAWASEPPI HURON BAND OF THE POTAWATOMI (NHBP) LANDS.

SECTION II. DEFINITIONS

A. COLLECTION SITE

ANY PLACE DESIGNATED BY THE TRIBAL COUNCIL AS THE SITE WHERE SOLID WASTE MAY BE PRESENTED FOR DISPOSAL INCLUDING TRANSFER STATIONS.

B. COLLECTOR

ANY NATURAL OR LEGAL PERSON, THAT PERSON'S EMPLOYEES AND AGENTS, WHO GATHER SOLID WASTE FROM ANOTHER PERSON.

C. GARBAGE

ALL PUTRESCIBLE (DECAYABLE) WASTES, INCLUDING ANIMAL AND VEGETABLE MATTER, ANIMAL OFFAL AND CARCASSES AND RECOGNIZABLE INDUSTRIAL BY PRODUCTS, BUT EXCLUDING SEWAGE AND ANIMAL WASTES.

D. GARBAGE PITS

HOLES, PITS AND/OR DEPRESSIONS IN THE NORMAL TOPOGRAPHY CREATED FOR THE SOLE PURPOSE OF DEPOSITING AND/OR PLACING GARBAGE AND REFUSE AS A MEANS TO GET RID OF THEM.

E. HAZARDOUS SOLID WASTE

ANY SOLID WASTE DEFINED AS HAZARDOUS BY THE ENVIRONMENTAL PROTECTION AGENCY UNDER THE PROVISIONS OF THE RESOURCE AND CONSERVATION ACT OF 1976, AS AMENDED AND INCLUDES BUT IS NOT LIMITED TO, EXPLOSIVES, PATHOLOGICAL WASTES, PESTICIDES, CHEMICALS, AND OTHER TOXIC MATERIALS WHICH ARE HARMFUL TO PUBLIC HEALTH.

F. LOCAL GOVERNING AGENCY

THE NOTTAWASEPPI HURON BAND OF THE POTAWATOMI TRIBAL COUNCIL, THE DULY ELECTED AND GOVERNING BODY OF THE NOTTAWASEPPI HURON BAND OF THE POTAWATOMI, WHICH IS EMPOWERED TO UNDERTAKE SAID SOLID WASTE MANAGEMENT PROGRAMS.

G. NON-RECYCLABLE WASTE

ALL SOLID WASTE NOT LISTED IN SUBSECTION (M) OR THIS SECTION, EXCLUDING HAZARDOUS WASTE.

H. OPEN BURNING

ANY FIRE WHEREIN THE PRODUCTS OF COMBUSTION ARE EMITTED DIRECTLY INTO THE ATMOSPHERE AND ARE NOT DIRECTED THERETO THROUGH A STACK OR CHIMNEY, INCINERATOR, OR OTHER DEVICES.

I. OPEN DUMP

THE CONSOLIDATION OF SOLID WASTE FROM ONE OR MORE SOURCES AT A DISPOSAL SITE WHICH UNSANITARY CONDITIONS, LITTLE OR NO COVER, USUALLY BURNING, AND LITTLE OR NO MANAGEMENT.

J. PERSON

ANY INDIVIDUAL, FIRM, GOVERNMENTAL UNIT, ORGANIZATION, PARTNERSHIP, CORPORATION OR COMPANY.

K. PUTRESCIBLE

SOLID WASTE CAPABLE OF BEING DECOMPOSED BY MICRO-ORGANISMS WITH SUFFICIENT RAPIDITY AS TO CAUSE NUISANCES FROM ODORS AND GASSES, SUCH AS KITCHEN WASTES, FOOD SCRAPS, OFFAL AND CARCASSES.

L. RADIOACTIVE SOLID WASTE

ANY RADIOACTIVE MATERIAL.

M. RECYCLABLE WASTE

GLASS CONTAINERS, METAL CANS, NEWSPAPER, CARDBOARD, PLASTICS (HDPE AND PET), ALUMINUM CANS END MOTOR OIL.

N. REFUSE

A NON-PUTRESCIBLE WASTE.

O. SOLID WASTE

ALL GARBAGE, REFUSE, RUBBISH, TRASH, AND OTHER DISCARDED SOLID MATERIALS, INCLUDING SOLID WASTES MATERIALS RESULTING FROM INDUSTRIAL, COMMERCIAL, AND AGRICULTURAL OPERATIONS, FROM COMMUNITY ACTIVITIES AND INDIVIDUAL PEOPLE, BUT DOES NOT INCLUDE SOLID OR DISSOLVED MATERIALS IN DOMESTIC SEWAGE OR OTHER SIGNIFICANT POLLUTANTS IN WATER RESOURCES, SUCH AS SILT, DISSOLVED OR SUSPENDED SOLIDS IN INDUSTRIAL WASTE WATER EFFLUENT DISSOLVED MATERIALS IN IRRIGATION RETURN OR OTHER COMMON POLLUTANTS.

P. SOLID WASTE COLLECTOR

NHBP APPROVED TRIBAL OR NON-TRIBAL ENTITY RESPONSIBLE FOR COLLECTING, TRANSPORTING AND PROPERLY DISPOSING OF SOLID WASTE.

Q. SOLID WASTE DISPOSAL

THE COLLECTION, STORAGE, TREATMENT, UTILIZATION, AND PROCESSING OF FINAL DISPOSAL OF SOLID WASTE.

R. SOLID WASTE DISPOSAL FACILITY

ANY LAND, PERSONAL EQUIPMENT OR RESOURCE APPROVED BY AND USED IN THE DISPOSAL OF SOLID WASTE.

S. SOLID WASTE REDUCTION

REDUCTION OF WASTE AT THE SOURCE OF GENERATION, PRIOR TO RECYCLING.

T. SPOILED FOOD

ANY FOOD WHICH HAS BEEN REMOVED FROM SALE BY THE UNITED STATES DEPARTMENT OF AGRICULTURE.

U. TRANSFER STATION

ANY FACILITY APPROVED BY THE NHBP TRIBAL COUNCIL FOR THE PURPOSE OF COLLECTING, TRANSPORTING AND DISPOSING OF SOLID WASTES.

V. TRIBAL HEALTH REPRESENTATIVES

THE HEALTH DIRECTOR AND OR HIS AUTHORIZED REPRESENTATIVE OR DEPARTMENT.

W. TRIBE

THE NOTTAWASEPPI HURON BAND OF THE POTAWATOMI (NHBP)

X. VECTOR

ANY INSECT OR OTHER ANIMAL WHICH TRANSMITS INFECTIOUS DISEASES FROM ONE PERSON OR ANIMAL TO ANOTHER.

Y. YARD WASTE

ANY WASTE ASSOCIATED WITH COMMON YARD MAINTENANCE, SUCH AS GRASS CLIPPINGS, PULLED WEEDS, LEAVES, TWIGS AND BRANCHES.

SECTION III. APPLICABILITY

THIS ORDINANCE APPLIES TO ALL LAND AND/OR PROPERTIES THAT ARE WITHIN NHBP TRIBAL JURISDICTION. THE ORDINANCE FURTHER APPLIES TO TRIBAL MEMBERS, NON-MEMBERS, RESIDENTS AND NON-RESIDENTS ALIKE.

SECTION IV. SOLID WASTE DISPOSAL

THE FOLLOWING PROVISIONS SHALL APPLY TO ALL SOLID WASTE DISPOSALS WITHIN NHBP TRIBAL JURISDICTION.

- A. NO PERSON SHALL LEAVE, DEPOSIT, AND/OR DUMP SOLID WASTE ANYWHERE WITHIN NHBP JURISDICTIONAL LANDS EXCEPT AT A COLLECTION SITE OR TRIBALLY APPROVED TRANSFER STATION.
- B. NO PERSON SHALL DISPOSE OF ANY SOLID WASTE GENERATED OUTSIDE OF NHBP JURISDICTIONAL LANDS EXCEPT AT A COLLECTION SITE OR TRIBALLY APPROVED TRANSFER STATION.
- C. NO PERSON SHALL STORE ANY SOLID WASTE ON ANY PROPERTIES OR LAND WITHIN NHBP TRIBAL JURISDICTION EXCEPT FOR IN CONTAINERS WHICH HAVE BEEN APPROVED AND ACCEPTED BY THE SOLID WASTE COLLECTOR.
- D. NO PERSON SHALL BURN AND/OR INCINERATE ANY SOLID WASTE ON ANY PROPERTIES WITHIN NHBP JURISDICTION WITH THE EXCEPTION OF YARD WASTE. THIS SHALL INCLUDE BUT NOT BE LIMITED TO BURN BARRELS, BURN BASKETS, IN GROUND PITS, GARBAGE PILES AND THE LIKE.
- E. NO PERSON SHALL DEPOSIT SOLID WASTE FROM ANY STOPPED OR MOVING VEHICLE ONTO STATE, COUNTY, OR TRIBAL HIGHWAYS, ROADS, OR RIGHT-OF-WAYS, WITHIN NHBP TRIBAL JURISDICTION.
- F. NO PERSON SHALL DISPOSE OF ANY COMMERCIAL HAZARDOUS AND/OR NUCLEAR WASTE WITHIN NHBP TRIBAL JURISDICTION.

- G. NO PERSON SHALL DEPOSIT SOLID WASTE AT A COLLECTION SITE OR TRANSFER STATION EXCEPT IN A MANNER APPROVED BY THE SOLID WASTE COLLECTOR.
- H. THE OWNER AND/OR OCCUPANT OF ANY PREMISE, BUSINESS ESTABLISHMENT, OR INDUSTRY WITHIN NHBP TRIBAL JURISDICTION SHALL BE RESPONSIBLE FOR THE PROPER DISPOSAL OF ANY SOLID WASTE PRODUCED BY OR ACCUMULATED AT SAID PREMISE, BUSINESS ESTABLISHMENT, OR INDUSTRY.

SECTION V. SOLID WASTE RECYCLING AND REDUCTION

SOLID WASTE RECYCLING AND REDUCTION IS THE PREFERRED METHOD OF HANDLING SOLID WASTE. NHBP IS AND WILL CONTINUE TO BE COMMITTED TO SOLID WASTE RECYCLING AND REDUCTION.

- A. ALL TRIBALLY OWNED OR FUNDED FACILITIES AND/OR ENTERPRISES SHALL IMPLEMENT A SOLID WASTE RECYCLING AND REDUCTION POLICY.
- B. THE TRIBE WILL MAKE AVAILABLE AT ALL TRIBAL HOUSING SITES AND/OR DEVELOPMENTS RECYCLING COLLECTION BINS.
- C. ALL TRIBALLY OWNED AND/OR FUNDED FACILITIES AND/OR ENTERPRISES AND THE COLLECTOR CONTACTED TO EMPTY THE RECYCLING COLLECTION BINS SHALL NOT DISPOSE OF THE SAID COLLECTED RECYCLABLES IN ANY FASHION OTHER THAN WHICH WOULD ALLOW THE SAID RECYCLABLES TO BE RECYCLED.

SECTION VI. SOLID WASTE COLLECTION TRANSPORT

- A. ANY SOLID WASTE TRANSPORTED WITHIN NHBP TRIBAL JURISDICTION SHALL BE COLLECTED AND TRANSPORTED IN A MANNER THAT PREVENTS THE WASTE FROM LEAKING, BLOWING OFF, OR FALLING FROM THE TRANSPORT VEHICLE. IF ANY SOLID WASTE IS LOST FROM OR IF THERE IS ANY SPOILAGE FROM THE COLLECTION CONTAINER OR TRANSPORTATION VEHICLE, THE MATERIAL SHALL BE IMMEDIATELY PICKED UP BY THE SOLID WASTE COLLECTOR AND RETURNED TO THE VEHICLE OR CONTAINER AND THE AREA PROPERLY CLEANED.
- B. COMMERCIAL VEHICLES OR CONTAINERS USED FOR COLLECTION AND TRANSPORTATION OF GARBAGE AND OTHER PUTRESCIBLE WASTES, OR SOLID WASTE CONTAINING SUCH MATERIALS, SHALL BE COVERED, LEAK PROOF, DURABLE, AND OR EASILY CLEANABLE CONSTRUCTION. THESE SHALL BE CLEANED TO PREVENT NUISANCES, POLLUTION, OR INSECT BREEDING AND SHALL BE MAINTAINED IN GOOD REPAIR.

SECTION VII. ENFORCEMENT

- A. TRIBAL COUNCIL'S DULY DESIGNATED AGENTS SHALL BE EMPOWERED TO ENFORCE ALL PROVISIONS OF THIS SOLID WASTE ORDINANCE.

- B. VIOLATION OF ANY PROVISION OF THIS ORDINANCE IS A CIVIL PENALTY WHICH MAY NOT EXCEED \$500. EACH DAY OF ANY CONTINUING VIOLATION MAY BE CHARGED AS A SEPARATE VIOLATION, AND A SEPARATE PENALTY MAY BE IMPOSED.
- C. IN ADDITION TO A CIVIL PENALTY, ANY PERSONAL PROPERTY WHICH HAS BEEN USED IN CONNECTION WITH A VIOLATION OF THIS ORDINANCE, INCLUDING VEHICLES AND OTHER EQUIPMENT, MAY BE SEIZED AND FORFEITED IN SATISFACTION OF ANY JUDGMENT RENDERED PURSUANT TO THIS ORDINANCE.
- D. ANY PERSON FOUND IN VIOLATION OF THIS ORDINANCE SHALL BE RESPONSIBLE FOR ANY CLEAN UP AND/OR REMEDIATION THAT MAY BE NECESSARY AS A RESULT OF THE SAID VIOLATION.
- E. REPEATED VIOLATIONS BY OCCUPANTS FOR TRIBAL MEMBERS THAT ARE RENTING OR LEASING FROM THE TRIBE MAY BE PUNISHED BY THE TERMINATION OF THE RENTAL AGREEMENT AND/OR LEASE.
- F. NOTHING HEREIN SHALL PREVENT THE NOTTAWASEPPI HURON BAND OF THE POTAWATOMI FROM BRINGING SUIT AGAINST ANY VIOLATOR OF THIS ORDINANCE FOR MONEY DAMAGES, FOR HARM TO ANY NHBP RESOURCES, OR FOR INJUNCTIVE RELIEF.
- G. NOTHING HEREIN SHALL PREVENT THE NOTTAWASEPPI HURON BAND OF THE POTAWATOMI FROM BRING SUIT AGAINST ANY VIOLATOR OF THIS ORDINANCE FOR MONEY DAMAGES, FOR HARM TO ANY NHBP RESOURCES, OR FOR INJUNCTIVE RELIEF.

SECTION VIII. ADMINISTRATION

THE NOTTAWASEPPI HURON BAND OF THE POTAWATOMI ENVIRONMENTAL DEPARTMENT SHALL BE RESPONSIBLE FOR THE ADMINISTRATION OF THIS ORDINANCE.

SECTION IX. LIMITATIONS

NOTHING WITHIN THIS ORDINANCE SHALL BE CONSTRUCTED TO LIMIT THE AUTHORITY OF THE TRIBAL COUNCIL FROM ADOPTING MORE STRINGENT SOLID WASTE DISPOSAL REQUIREMENTS THAN THOSE SET FORTH IN THIS ORDINANCE.

SECTION X. SEVERABILITY AND NON LIABILITY

IF ANY SECTION, PROVISION, OR PORTION OF THIS ORDINANCE IS ADJUDGED UNCONSTITUTIONAL OR INVALID BY A COURT OF COMPETENT JURISDICTION, THE REMAINDER OF THE ORDINANCE WILL NOT BE AFFECTED THEREBY. THE TRIBAL COUNCIL DECLARES THAT THERE IS NO LIABILITY ON THE PART OF THE NOTTAWASEPPI HURON BAND OF THE POTAWATOMI, ITS AGENCIES OR EMPLOYEES FOR DAMAGES THAT MAY OCCUR AS A RESULT OF RELIANCE UPON CONFORMANCE WITH THIS ORDINANCE. THE TRIBAL COUNCIL BY ADOPTION OF THIS ORDINANCE DOES NOT IN ANYWAY, WAVE THE SOVEREIGN IMMUNITY OF THE NOTTAWASEPPI HURON BAND OF

POTAWATOMI.

SECTION X11. **EFFECTIVE DATE**

THIS ORDINANCE SHALL TAKE EFFECT ON THE DAY OF ITS APPROVAL BY TRIBAL COUNCIL.

CERTIFICATION

WE DO HEREBY CERTIFY THAT THE FOREGOING ORDINANCE #03-1800-01 WAS DUTY PRESENTED AND ADOPTED ON THE 18TH DAY OF MARCH, 2000 BY A VOTE OF 3 FOR, 0 AGAINST, AND 0 ABSTAINING WITH A QUORUM OF 3 BEING PRESENT AT A DULY SCHEDULED TRIBAL COUNCIL MEETING.

LAURA SPURR, TRIBAL CHAIRPERSON

DATE: MARCH 18, 2000

MERRI MEDAWIS, TRIBAL SECRETARY

DATE: _____