

Leech Lake Tribal Council



IN REPLY REFER TO:

ALFRED R. PEMBERTON,
CHAIRMAN
DANIEL S. BROWN,
SECRETARY-TREASURER
ALFRED FAIRBANKS, JR.,
DISTRICT I REPRESENTATIVE
JACK H. SEELYE,
DISTRICT II REPRESENTATIVE
MYRON F. ELLIS,
DISTRICT III REPRESENTATIVE

LEECH LAKE RESERVATION
SOLID WASTE TRANSPORTATION, DISPOSAL & RECYCLING ORDINANCE
ORDINANCE NO. 95-01

1. Findings.

The Leech Lake Reservation Tribal Council recognizes that the sanitary and environmentally-sound transporting and disposal of solid waste is important to the health, welfare and safety of all individuals residing on or near the Leech Lake Reservation. The Tribal Council also recognizes that proper waste transporting, disposal, and recycling are important to the protection of the Reservation environment and natural resources. Inefficient, inappropriate, and unsanitary disposal of solid waste can have serious adverse impacts on the land, waters and other natural resources which are vital to the Leech Lake Reservation. Recycling is recognized as an important and valuable method of reducing the amount of waste requiring final disposal and is therefore strongly encouraged.

2. Authority.

This Ordinance is promulgated based on the authority of the Leech Lake Tribal Council to enact regulation as granted by Article VI of the Constitution of the Minnesota Chippewa Tribe, and as recognized by the United States under Section 16 of the Indian Reorganization Act, 25 U.S.C. ss 476.

3. Applicability.

This Ordinance applies to all activities within the exterior boundaries of the Leech Lake Reservation, which involve the transporting, disposal, or recycling of solid waste on or near these boundaries.

4. Definitions.

- a. "Collection Site" means any designated place where solid wastes are presented for recycling or transportation to a disposal site.
- b. "Collector" means any natural or legal person, and that person's employees and agents, who gather from another person that person's solid waste.

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- c. "Hazardous Waste" means any solid waste defined as hazardous waste by the U.S. Environmental Protection Agency under the provisions of the Resource Conservation and Recovery Act of 1976, 42 U.S.C. ss 6901 et seq., as amended.
- d. "Non-resident" means any person who does not have a permanent place of abode on the Reservation, except as hereafter provided. Non-resident does not mean any temporary or seasonal resident, for purposes of solid waste generated at the temporary or seasonal residence, and does not mean any place of business, or corporate entity for purposes of solid waste generated at the business, or corporate presence.
- e. "Reservation" and "Reservation Boundaries" means the Leech Lake Indian Reservation as defined by the Treaty of February 22, 1855; Treaty of March 19, 1867; Executive Order of October 29, 1873; Executive Order of November 4, 1873 and Executive Order of May 26, 1874.
- f. "Solid Waste" means all waste, garbage, rubbish, offal, trash and other discarded solid waste material resulting from residential, commercial, agricultural, industrial, community, and other human activities, including liquid waste contained within solid waste, and including hazardous waste, but does not include sewage and human wastes.
- g. "Transfer Station" means the existing solid waste collection site within the exterior boundaries of the Leech Lake Reservation.
- h. "Reservation Tribal Council" means the duly elected Tribal Council of the Leech Lake Band of Chippewa Indians.
- i. "Band" or "Tribe" means the Leech Lake Band of the Minnesota Chippewa Tribe.
- j. "Solid Waste Coordinator" means the Reservation Tribal Council employee responsible for the coordination of the solid waste collection and disposal sites on the Reservation.

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5. Solid Waste Storage

- a. Solid waste within the reservation boundaries shall be handled, stored, collected, transported, transferred, processed and disposed of only in strict accordance with the provisions of this ordinance.
- b. The owner or occupant of any premises, business establishment, or industry shall be responsible for the sanitary storage of all solid waste accumulated at the premises, business establishment or industry.
- c. Solid waste shall be stored in durable, rust resistant, non-absorbent, water tight, rodent proof, and easily cleanable containers with a close fitting insect-tight cover.
- d. Unless otherwise provided for in a written rental agreement or lease, the tenant of any single unit detached residence and the landlord of any multi-unit residence shall be responsible for the provision and maintenance of containers as specified in paragraph (c), above.
- ~~e. Solid waste shall be transferred to Leech Lake Transfer Station by the responsible party in a timely manner, to prevent noxious odors and other public nuisance conditions.~~

6. Solid Waste Disposal

- a. No person shall leave, deposit, or dump solid waste anywhere within the reservation except at designated disposal or collection sites approved by the Reservation Tribal Council. This provision shall not be interpreted to prohibit compost piles that are constructed and maintained so as to prevent the escape of noxious odors, the development insect or rodent infestations, and the creation of public nuisance or health hazard.
- b. No person shall dispose of any solid waste generated outside the boundaries of the Reservation on any lands, collection sites, or landfills within the boundaries of the Reservation.
- c. No person shall deposit solid waste from any stopped or moving vehicle onto state, county, or tribal highways, roads, or right of ways, within the Reservation.

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- d. No person shall dispose of any hazardous waste within the Leech Lake Reservation except as part of a household hazardous waste collection project approved and sanctioned by the Leech Lake Tribal Council.
- e. No person shall dispose of solid waste at a collection or disposal site on the Reservation except in a manner approved by the Solid Waste Coordinator as established by the Reservation Tribal Council and/or county solid waste officers or county boards.

7. Solid Waste Recycling.

- a. The Reservation Tribal Council will encourage residences to cooperate with recycling programs that are available for the purpose of reducing waste and disposal costs and to conserve natural resources.
- b. The Reservation Tribal Council will seek assistance from County, State, Federal and other resources for the purpose of developing and maintaining a recycling program and collection sites for the Reservation.

8. Solid Waste Collection and Transport.

- a. All solid waste transported on, or across the reservation shall be collected and transported in a manner that prevents the waste from leaking, blowing off, or falling from the transport vehicle.
- 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 of easily cleanable construction. These shall be cleaned to prevent nuisances, pollution, or insect breeding and shall be maintained in good repair.
- c. No commercial collector or transporter of solid waste shall operate or conduct business on the Reservation without a solid waste permit issued by the Reservation Tribal Council.

9. Enforcement.

- a. Reservation enforcement officers shall be designated, and empowered to enforce this ordinance (i.e. Officers of DRM).

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- b. Actions for violation of this Ordinance may be commenced in the Tribal court of the Leech Lake Reservation Tribal Council by citation or by summons and complaint.
- c. Violation of any provision of this ordinance may be punished or remedied by a civil forfeiture not to exceed \$5,000. Each day of any continuing violation may be charged as separate violation, and a separate forfeiture may be imposed.
- d. In addition to a civil forfeiture, any personal property, including vehicles and other equipment, which has been used in connection with the violation of this Ordinance may be seized and forfeited pursuant to the appropriate section of the ordinances Tribal Court.
- e. Nothing herein shall prevent the Leech Lake Band from bringing suit against any violator of this ordinance for money damages for harm to any Band resource caused by the violation, or for injunctive relief.
- f. Any person may bring suit in tribal court to enjoin a violation of this Ordinance.

11. Administration.

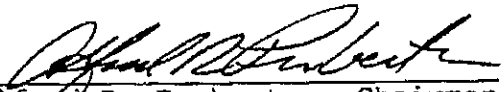
- a. The Reservation Tribal Council and its delegates shall be responsible for the administration and enforcement of this ordinance and for of any tribally owned and operated solid waste collection facilities or systems.
- b. This Ordinance is effective: February 24, 1995.


12. 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 this ordinance will not be affected thereby. The Reservation Tribal Council declares there is no liability on the part of the Band, its agencies, or employees for damages that may occur as a result of reliance upon or conformance with this ordinance. The Reservation Tribal Council, by adoption of this Ordinance, does not waive sovereign immunity in any respect.

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We do hereby certify that the foregoing Ordinance was duly presented and acted upon by a vote of 4 for, 0 against, a quorum of 4 being present at a special meeting of the Leech Lake Reservation Tribal Council offices at Cass Lake, Minnesota on the 24th day of February, 1995.


Alfred R. Pemberton, Chairman
Leech Lake Tribal Council


Dan Brown, Secretary/Treasurer
Leech Lake Tribal Council