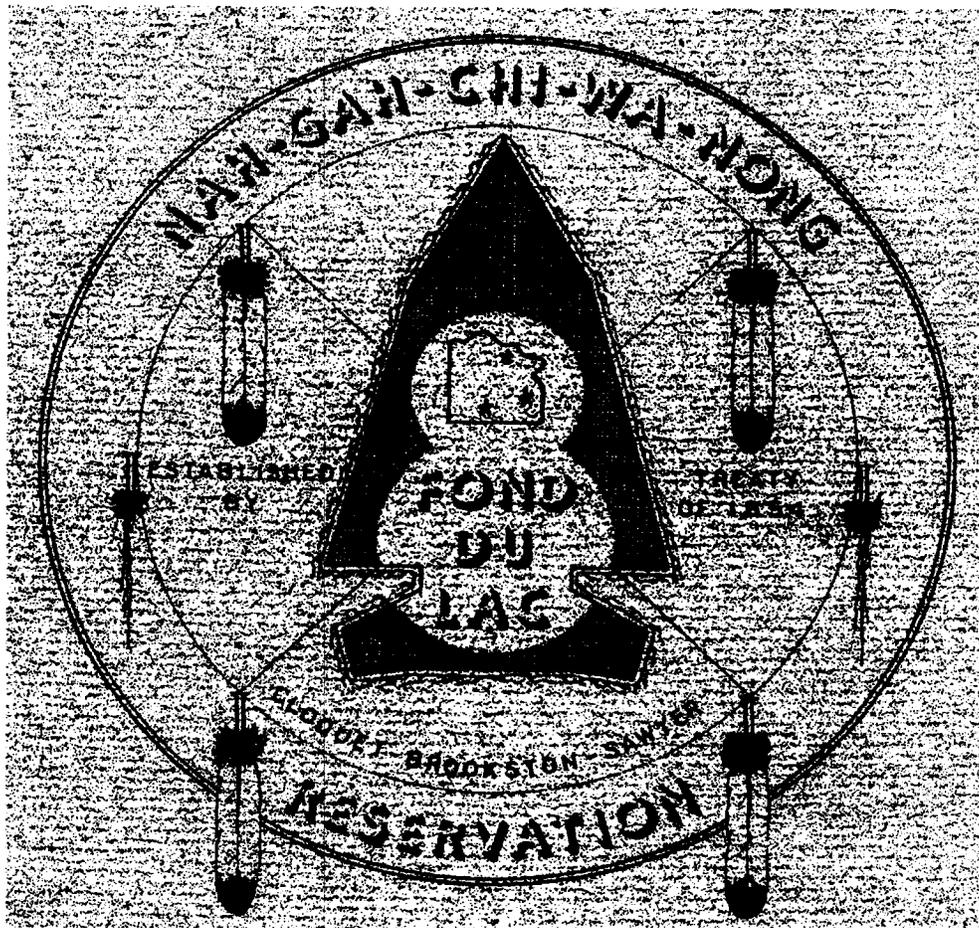


**FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA  
WASTE MANAGEMENT AND RECYCLING ORDINANCE  
ORDINANCE #06/93, AMENDED**



Adopted by Resolution #1116/93 of the Fond du Lac Reservation Business Committee on May 3, 1993.  
Amended by Resolution #1040/03 of the Fond du Lac Reservation Business Committee on March 4, 2003.

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**FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA  
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**101. AUTHORITY, FINDINGS AND PURPOSES**

- (a) Authority. This Ordinance is adopted by the Fond du Lac Reservation Business Committee, as the governing body of the Fond du Lac Band of Lake Superior Chippewa, pursuant to the inherent authority of the Fond du Lac Band, as recognized 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. § 476.
- (b) Findings and Purposes. The Fond du Lac Reservation Business Committee recognizes that unsanitary and unsightly conditions, and inappropriate and ineffective methods of waste management and recycling, have adverse, detrimental, and injurious impacts to the environment, aesthetics, natural resources, and human population of the Fond du Lac Reservation. It is therefore determined that the promulgation of standards for waste management and recycling are in the best interests of the Fond du Lac Band, and of all residents of the Fond du Lac Reservation. The purposes of this Ordinance are to provide for the management of waste and recyclable material in a manner that will prevent the spread of disease, prevent the creation of nuisances, protect the health, welfare, and safety of Reservation residents, conserve natural resources, and maintain the beauty and quality of the environment.

**102. APPLICABILITY**

This Ordinance applies to the activities on the Fond du Lac Reservation of members and nonmembers of the Fond du Lac Band, and to residents and non-residents of the Fond du Lac Reservation. This Ordinance also applies to all land, water, and resources within the exterior boundaries of the Reservation, as well as to any lands and waters adjacent to Tribal land that may affect Reservation land, water, and resources.

### **103. RESERVATION OF RIGHTS; INTERPRETATION**

Neither the provisions of this Ordinance nor any action in pursuit thereof shall operate as, or authorize, a waiver of the sovereign immunity of the Fond du Lac Band or as a consent to jurisdiction by any court or agency for any matter arising under law or equity. The provisions of this Ordinance shall be construed and implemented in a manner which is consistent with the laws and regulations of the Fond du Lac Band, and with those laws and regulations of the United States which have been determined by the Reservation Business Committee to be specifically applicable to the Fond du Lac Band.

### **104. DEFINITIONS**

For the purposes of this Ordinance, certain words and terms are hereby defined. Terms and abbreviations used herein, which are not specifically defined, shall be construed in accordance with the context and professional usage. The singular usage includes the plural and the plural the singular.

- (a) **"Abandoned trailer"** means a derelict, disused, or discarded mobile/manufactured home unit that lacks a foundation, support, or anchoring system, lacks adequate sanitary and water facilities in compliance with applicable sanitation guidelines, or has fallen into a state of such disrepair that it is no longer suitable for human occupation and creates a potential fire hazard or a causation for danger or human injury.
- (b) **"Air pollution"** means the presence in the outdoor atmosphere of any fume, smoke, gas, ash, or particulate substance, comprised of such toxic substances as dioxins, or differing in composition from, or exceeding in concentration, the natural components of the atmosphere, and being of such nature or duration as to cause a nuisance or injurious to human health or the environment.
- (c) **"Band"** means the Fond du Lac Band of Lake Superior Chippewa.
- (d) **"Bi-metal or tin container"** means a can that is made primarily of a combination of steel and aluminum (example: canned good items that have fitted bottoms for stacking).

- (e) **"Bin"** means a receptacle designated and used for the aggregation, transfer, and collection of recyclable material.
- (f) **"Bulky item"** means waste items such as furniture, couches, sofas, chairs, tables, dressers, cabinets, beds and bedding.
- (g) **"Cardboard"** means corrugated paperboard used in the manufacture of shipping containers and related products.
- (h) **"Collection"** means the aggregation of solid and hazardous waste and recyclable material from the place at which it is generated, and includes any appurtenant activity involved in the handling and transportation of waste material up to the time when the waste or material is delivered to a waste management or recycling facility.
- (i) **"Collection site"** means a designated place where waste or recyclable material is presented for recycling, transfer, or disposal.
- (j) **"Construction debris"** means waste building material, packaging, and other material that result from the construction, remodeling, repair, and demolition of buildings, roads, and other man-made structures.
- (k) **"Container"** means a container for holding solid waste material slated for disposal and which meets the requirements set forth in Section 108 (c) of this Ordinance.
- (l) **"Critical Habitat"** means the area or type of environment that is essential for an organism or biological population to occur or live normally, including threatened, endangered, or culturally significant species and plants.
- (m) **"Division of Resource Management"** means the Fond du Lac Division of Resource Management of the Fond du Lac Band of Lake Superior Chippewa.
- (n) **"Electronic waste"** means discarded computers, televisions, VCRs and other waste possessing electronic circuitry. Electronic waste also includes electrical wire.

- (o) **"Garbage"** means discarded material resulting from the handling, processing, storage, preparation, serving, and consumption of food.
- (p) **"Generate"** means the act or process of producing waste or recyclable material.
- (q) **"Hazardous waste"** means any commercial chemical substance designated pursuant to the Federal Water Pollution Control Act, under 33 U.S.C. § 1321(b)(2)(A); any hazardous air pollutant listed pursuant to the Clean Air Act, under 42 U.S.C. § 7412; any hazardous waste defined under the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq., as amended; and any other substance which constitutes a hazardous waste under tribal, federal or applicable law.
- (r) **"HDPE"** means high density polyethylene plastic containers marked by the SPI Code No. 2.
- (s) **"Household"** means those persons, residents, owners and occupants occupying and generating waste and recyclable material at a residential dwelling unit.
- (t) **"Illegal dumping"** means the dumping, by any person of any material including but not limited to bulky items, construction debris, garbage, hazardous waste, solid waste, recyclable material, refuse, rubbish, trash or litter, white goods, waste tires, or other waste abandoned at a place other than an approved collection site, in an approved container, or at a waste management facility.
- (u) **"Junk vehicle"** means any motor vehicle that is extensively damaged. The damage would include such things as broken or missing wheels, motor, drive train, or transmission and is apparently inoperable. A vehicle is also considered a junk vehicle if it does not have a valid, current registration and has an approximate fair market value equal to only the approximate value of the scrap in it, or lacks vital component parts such that it has no substantial potential for further use consistent with its usual functions. A vehicle is not considered a junk vehicle if it is kept in an enclosed garage or storage building.

- (v) **"Littoral area"** means a shoreline and adjacent areas encompassing the region between the highest and lowest seasonal water levels.
- (w) **"Magazines"** means magazines and other materials printed on similar paper. This includes bound books and items such as telephone books and catalogs.
- (x) **"Medical sharps"** means discarded items that can cause the sub-dermal inoculation of various infectious agents, such as needles, syringes, glass or rigid plastic vials, or other similar items derived from the care of human or animal patients.
- (y) **"Newspaper"** means a newspaper and other materials printed on newsprint.
- (z) **"Non-putrescible material"** means solid waste incapable of becoming rotten or reaching a foul state of decay or decomposition.
- (aa) **"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 temporal or seasonal resident, for purposes of waste or recyclable material generated at the temporary or seasonal residence, and does not mean a place of business for purposes of waste and recyclable material generated at the place of business (see "Resident").
- (bb) **"Offal"** means a dead animal or the entrails, trimmings, and waste parts of butchered animals.
- (cc) **"Office paper"** means high grade printing and writing papers from offices in non-residential facilities, properties, and premises. Printed white ledger and computer printout are examples of office paper generally accepted as high grade.
- (dd) **"Open view"** means that waste material such as garbage, construction debris, hazardous waste, junk vehicles, refuse, rubbish, solid waste, trash, litter, waste tires, white goods, recyclable material, or other wastes can be seen with the unaided eye from any public road or public road easement, including any tribal, town, county, state, or federal road, and any adjacent properties.

- (ee) **"Open burning"** means the incineration of any materials including but not limited to household debris, garbage, hazardous waste, solid waste, recyclable material, refuse, rubbish, paper, trash or litter, or other waste, by any person, in a burn barrel or pile, wood stove, furnace, or fireplace, thereby producing nuisance or noxious smoke, dioxins, or air pollution. Illegal burning does not include any activities permitted under the Fond du Lac Open Burning Ordinance # 05/93.
- (ff) **"Operator, Collector, or Hauler"** means owners and operators of commercial solid waste collection services or RBC operations and employees, or RBC appointees and contractors and their operations, agents, and employees, responsible for waste management activities on the Reservation.
- (gg) **"Other wastes"** means waste other than waste defined herein as solid waste or recyclable material, and includes but is not limited to construction debris, hazardous waste, medical sharps, waste tires, white goods, electronic waste, bulky items, and offal.
- (hh) **"Owner and Occupant"** means the person(s) or entity(s) which hold legal or beneficial title to a property and the person(s) or entity(s) which have or exercise possession or occupancy of a property, respectively. Owner and Occupant also means landlord and lessee, respectively.
- (ii) **"Person"** means any human being, any household, any municipality or other governmental or political subdivision or public agency, any public or private corporation, any partnership firm, association or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing, establishment, institutions such as churches or schools, or any other legal entity.
- (jj) **"PETE"** means polyethylene terephthalate plastic containers marked by the SPI Code No. 1 (example: two (2)-liter soda bottles) or SPI Code No. 2 (example: milk containers).
- (kk) **"Premises"** means the location, property, or real estate, public or private, upon which a residence, place of business, or industry lies, and includes all buildings

and appurtenant structures. Premises also refers to any seasonal or temporal occupancy or operations at such locations, for the purposes of waste and recyclable material generated at such locations.

- (ll) **"Putrescible material"** means waste capable of being rotten or which may reach a foul state of decay or decomposition.
- (mm) **"Recyclable material"** means material that is separated from solid waste for the purpose of recycling, including paper, cardboard, glass, metal, aluminum, and numbered plastics.
- (nn) **"Recycling"** means the process of collecting recyclable material and reusing this material in its original form or using it in a manufacturing process that does not cause the destruction of the material in a manner that precludes its further use.
- (oo) **"Recycling facility"** means a facility used to collect and process recyclable material.
- (pp) **"Resident"** means any person who has a permanent place of abode on the Reservation. Resident also means any temporal or seasonal resident for the purposes of waste and recyclable material generated at the temporary or seasonal residence, and also means a place of business or institutions such as churches or schools, for the purposes of waste generated at the place of business.
- (qq) **"Reservation"** means the Fond du Lac Reservation.
- (rr) **"Reservation Business Committee or RBC"** means the governing body of the Fond du Lac Band of Lake Superior Chippewa.
- (ss) **"Salvage/Junk yard"** means any facilities at which salvageable materials and junk are stored or sold or at which wrecking, dismantling or demolition of salvageable materials is conducted. Salvage/junk yard also means any premises where greater than five (5) junk vehicles or greater than five (5) items of junk are stored in the open. Junk includes old or scrap copper, brass, rope, rags, batteries, trash, rubber debris, waste tires, junk vehicles, white goods, junked farm or construction

machinery or any parts thereof, iron, steel, and other old or scrap ferrous and nonferrous material.

- (tt) **"Solid waste"** means garbage, rubbish, refuse, trash or litter, and other waste generated from residential, commercial, industrial, community, and other human activities. It does not include abandoned trailers, construction debris, hazardous waste, junk vehicles, medical sharps or waste, recyclable material, waste tires, white goods, bulky items, yard waste, or other material collected and transported as separate waste.
- (uu) **"Tribal Attorney"** means the Fond du Lac Tribal Attorney and the Legal Affairs Office of the Fond du Lac Band of Lake Superior Chippewa.
- (vv) **"Tribal Court"** means the Fond du Lac Tribal Court of the Fond du Lac Band of Lake Superior Chippewa.
- (ww) **"Waste management"** means all activities relating to the preparation, handling, sorting, storage, collection, transportation, transfer, accumulation, recycling, burning, dumping, discarding, placement, processing, abandonment, deposit and disposal of waste, including all methodologies, standards, regulations, and criteria that govern, control, and relate to the aforementioned activities.
- (xx) **"Waste management facility"** means a disposal facility for waste such as a sanitary landfill, an intermediate disposal facility such as a transfer station, and facilities that manage and handle other waste materials such as construction debris, hazardous waste, junk vehicles, medical waste, waste tires, white goods, and yard waste.
- (yy) **"Waste tire"** means a tire that is no longer suitable for its original intended purpose.
- (zz) **"Water pollution"** means the presence in or on the land of any waste in such quantity, of such nature and duration, and under such condition as would impair designated uses, violate established criteria, or otherwise adversely affect any surface waters, ground waters, or wetlands of the Reservation (Fond du Lac Ordinance #12/98 - Water Quality Standards).

- (aaa) **"White goods"** means clothes washers, dryers, dishwashers, garbage disposals, trash compactors, conventional ovens, ranges and stoves, microwave ovens, air conditioners, refrigerators, freezers, residential furnaces, water heaters, humidifiers and de-humidifiers.

## 105. GENERAL PROVISIONS

- (a) No person on the Fond du Lac Reservation shall cause, permit, or allow the land, real estate, property, or premises under that person's control to be used for waste management purposes, except for persons or operations that have been granted permission by the Reservation Business Committee.
- (b) No operator, collector, or hauler of waste or recyclable material shall operate or conduct business on the Reservation without the consent of the Reservation Business Committee. Operators, collectors, and haulers that do not have the consent of the RBC shall, upon enactment of this Ordinance, obtain such permission. All operators, collectors, and haulers shall comply with the provisions set forth in this Ordinance within 120 days from the enactment of the Ordinance. Operators, collectors, and haulers must also comply with the federal "Guidelines for the Storage and Collection of Residential, Commercial, and Institutional Solid Waste" (40 C.F.R. Part 243) and any reporting requirements determined by the RBC or its designee.
- (c) All waste within the Reservation boundaries shall be managed, prepared, handled, sorted, stored, collected, transported, transferred, accumulated, recycled, burned, dumped, discarded, placed, processed, deposited and disposed of in accordance with the provisions of this Ordinance.
- (d) It shall be the duty of the owner, occupant, landlord, lessee, person, place of business, industry, or other legal entity having or occupying property and premises within the boundaries of the Reservation to provide for the handling, storage, collection, transportation, transfer, and disposal of waste and recyclable material in accordance with the provisions of this Ordinance.
- (e) After written warning, the RBC, its designee, or any operator collecting waste or recyclable material from any premises, residence, place of business, industry, household, or collection site within the Reservation, may suspend such collection if any provision of this Ordinance is violated and

continue this suspension until compliance with this Ordinance is demonstrated.

- (f) Waste and recyclable material shall only be delivered to waste management and recycling facilities and specially designated collection sites during the facility's or site's operating hours and in a manner consistent with the proper disposal of waste or material at the facility or site.
- (g) Where the conditions imposed by any provision of this Ordinance are either more or less restrictive than comparable conditions imposed by the provisions of any other Reservation Ordinance or applicable law, the provision which establishes the greater protection for human health, safety, and welfare, and the natural environment shall prevail.

**106. HANDLING, STORAGE, COLLECTION, TRANSPORTATION, AND DISPOSAL OF SOLID WASTE**

- (a) The owner or occupant of any premises shall be responsible for the safe and sanitary storage of all solid waste generated and accumulated at such premises.
- (b) No owner or occupant of any premises shall permit the accumulation of solid waste, any similar material or mixture of materials, upon such premises or adjoining premises, except in proper containers as described in Section (c) below.
- (c) Solid waste shall be stored in durable, rust resistant, non-absorbing, water-tight, cleanable, rodent, vermin, and insect proof containers, with a close, tight-fitting, cover or lid.
- (d) Unless otherwise provided for in a written rental agreement or lease, the owner or occupant of any single residential unit and the owner of any multi-unit residence shall be responsible for the provision and maintenance of the containers described in Section (c) above.
- (e) No person shall place solid waste in a container of another person.
- (f) No person shall willfully overturn or upset any container used for storing solid waste with the intent of spilling the contents or any portion thereof on any premises, roadway, or waterway.

- (g) Putrescible solid waste shall not be stored on any premises for more than one (1) week, or for the period of time elapsing between sequential collections by the solid waste operator. Nonputrescible waste suitable for recycling shall not be stored on any premises in a manner which creates a nuisance, blight, eyesore, or health hazard.
- (h) All solid waste transported on the Reservation shall be collected and transported in a manner that prevents the waste from leaking, blowing off, or falling from the transport vehicle.
- (i) No operator, collector, hauler or self-hauler shall allow commercial vehicles or containers used for the collection and transportation of garbage and other putrescible waste or solid waste containing such material, to discharge solid waste or liquid waste associated with the solid waste. No such vehicle or container shall be allowed to stand, be stored, or kept, in such a manner or for such length of time, that it will be or constitute a nuisance or health hazard.
- (j) No person shall dispose of solid waste anywhere within the reservation boundaries except in containers, at designated collection sites and waste management facilities, and under conditions described in this Section. No person shall dispose of any solid waste generated outside the boundaries of the Reservation on any lands within the boundaries of the Reservation, unless such disposal is approved by the RBC and takes place at a designated collection site or waste management facility. Solid waste shall not be disposed of by illegal dumping or open burning.
- (k) No person shall dispose of solid waste on any premises, private or public property, where the disposal of such waste will cause a nuisance, health hazard, foul odors, infestations of vermin or insects, or provide a source of attraction for rodents, bears, and other animals.
- (l) No person shall deposit or dispose of solid waste on any highway, roadway, or right of way within the boundaries of the Reservation.
- (m) No person shall deposit or dispose of solid waste in any waterway, stream, lake, wetland, water body, or littoral area within the boundaries of the Reservation.

107. RECYCLING

- (a) No person shall dispose of recyclable material through solid waste disposal.
  
- (c) All owners, occupants, households, residents, and persons disposing of waste on the Reservation shall separate recyclable material from mixed waste. Separation of recyclable material shall occur prior to the collection of waste by a hauler. These recyclable materials shall include:
  - (1) Aluminum cans;
  - (2) Glass containers;
  - (3) Cardboard and corrugated paper;
  - (4) Plastic containers made of PETE (No. 1) and HDPE (No. 2);
  - (5) Magazines or other materials printed on similar paper;
  - (6) Newspaper or other materials printed on similar newsprint;
  - (7) Office paper; and
  - (8) Bi-metal or tin containers.
  
- (c) Recyclable material shall be placed in bins designated for that purpose and placed out at designated roadside collection sites for collection on designated collection days. In the alternative, owners, occupants, households, and residents shall deliver recyclable material to a recycling facility of their choice, such as the recycling sheds provided for this purpose on the Reservation, or to specially designated collection sites at times when the receipt of such material is provided for.
  
- (d) No person other than the owner or occupant of a residence, place of business, or industry, or the operator who provides services to such persons, shall collect or gather recyclable material set out for collection by a collector.
  
- (e) The owner or occupant of any premises shall be responsible for the safe, sanitary, and aesthetic storage of all recyclable material generated and accumulated at such premises, until such time as the recyclable material is collected, transported, or transferred to a recycling facility.
  
- (f) All recyclable material transported on the Reservation shall be collected and transported in a manner that prevents the material from leaking, blowing off, or falling from the transport vehicle.

- (g) Persons and owners of establishments, places of business, premises, and institutions which are open to the public, including, but not limited to public buildings, hotels, motels, retail stores, casinos, schools, college dormitories, community centers, and church social halls, shall provide public receptacles for whatever applicable recyclable materials are utilized at such establishments, places of business, premises or institutions in addition to their present public receptacles for solid waste. Persons and owners of such establishments, places of business, and premises shall not be required to separate items which the general public places in receptacles intended for solid waste.
- (h) Persons and owners of establishments, and places of business or industry, shall arrange to have segregated recyclable material, generated at such locations, collected by operators of recycling facilities, or in the alternative, delivered to such facilities.
- (i) No person shall deposit recyclable material anywhere within the reservation boundaries except in appropriate bins, at designated collection sites and recycling facilities, and under conditions described in this Section. Recyclable material shall not be disposed of by illegal dumping or open burning.

**108. SALVAGE YARD OPERATIONS**

- (a) No person shall establish, operate, or maintain a salvage yard unless granted permission from the Reservation Business Committee.
- (b) No person shall establish, operate, maintain, or permit the use of land for a salvage yard within the following areas:
  - (1) Within 1,000 feet of any lake, pond, or flowage;
  - (2) Within 300 feet of a river, stream, or wetland;
  - (3) Within a flood plain;
  - (4) Within 100 feet or within open view of any roadway;
  - (5) Within an area in which there is reasonable probability that waste or leaching therefrom may have a detrimental effect on any surface or ground water quality;
  - (6) Within or adjacent to any cultural or sacred site; or
  - (7) Within or adjacent to any critical habitat.

- (c) Upon obtaining written permission from the RBC or its designee, the following salvage yard operational requirements and practices shall be followed:
- (1) Solid waste materials shall not be present at a salvage yard.
  - (2) No open burning of waste or recyclable materials shall be conducted.
  - (3) The boundaries of the salvage yard shall be marked by a fence or by other means in order to clearly define the boundary of the site.
  - (4) The salvage yard shall be surrounded by a solid fence, trees, shrubbery, or other appropriate means by which to screen it from the surrounding area and open view. If trees or shrubbery are used, they shall be capable of screening the yard all year round or other methods shall be used in combination with the foliage to provide adequate screening during all seasons.
  - (5) The Division of Resource Management shall be provided with information on all hazardous waste and material stored on the premises. This information shall include types, amounts, and disposal records.
  - (6) Firebreaks and roads shall be approved by the tribal fire protection authorities.
  - (7) Salvage yards that do not have the written consent of the RBC or its designee shall, upon enactment of this Ordinance, obtain such permission. All salvage yards shall comply with the operational standards set forth in this Section within 120 days from the enactment of the Ordinance.
  - (8) The operation shall be conducted in accordance with any and all other Tribal, Federal or applicable regulations.
- (d) Any person who maintains or operates a salvage yard or who permits the use of property for such purpose shall, when the yard is closed by the operator or property owner, or when the Division of Resource Management determines that closure is required, close the yard by removing all salvageable materials within a period specified by the Division of Resource Management, which shall be no greater than 120 days. The owner or operator of a salvage yard shall notify the Division

of Resource Management 60 days prior to the date of closing. If during closing or anytime during the operation the site has been determined to be contaminated, the owner or operator shall be required to remediate or prove the site to be free of pollutants. Installation of monitoring wells or other remediation may be required at the owners expense.

**109. HANDLING, STORAGE, COLLECTION, TRANSPORTATION, AND DISPOSAL OF OTHER WASTES**

- (a) **Hazardous waste:** All persons shall separate hazardous waste, medical sharps, motor oil, antifreeze, acid lead batteries, mercury containing wastes, batteries, thermostats, thermometers, switches and relays, flourescent light bulbs, manometers, barometers, vacuum gauges, blood pressure cuffs, and other wastes defined in Section 106 of this Ordinance, from mixed waste and transport such material to a waste management or recycling facility designated for the handling of such waste and material. Such waste and material may be taken to a specially designated collection site at times when the receipt of such material is provided for. Motor oil and antifreeze shall be transported in unbreakable, leak-proof, containers. Acid lead batteries shall be transported in a manner which will not allow the release or escape of their contents. Labels (available at Reservation clinics) shall be placed on puncture-proof containers and receptacles prior to the collection, transfer, or transportation of medical sharps.
- (b) **Medical sharps:** Persons and owners of establishments, places of business, and premises which are open to the public, including, but not limited to public buildings, hotels, motels, retail stores, casinos, schools, college dormitories, community centers, and church social halls, shall provide labeled, puncture-proof receptacles for the disposal of medical sharps. Persons and owners of establishments, and places of business or industry, shall arrange to have medical sharps, generated at such locations, collected by operators of waste management facilities, or in the alternative, delivered to such facilities.
- (c) **Construction debris:** Any person disposing of construction debris shall transport such waste to a collection site or waste management facility designated for the receipt of such waste. Construction debris shall not be disposed of by illegal dumping or open burning.

- (d) **White goods:** Any person disposing of white goods shall: (1) contact an appliance retailer, recycler, or hauler for proper disposal, (2) deliver the white goods to a waste management or recycling facility, or (3) deliver the white goods to a specially designated collection site at a time when the receipt of such material is provided for. White goods shall not be disposed of by illegal dumping. No more than five (5) items shall be stored on any premises in open view, with the exception of temporary designated collection sites, and shall not be stored in a manner that provides a causation for human injury.
- (e) **Electronic waste:** Any person disposing of electronic items shall transport such items to a waste management facility designated for the receipt of such items. Electronic waste and electrical wire shall not be disposed of by illegal dumping or open burning. Electronic waste shall not be stored in open view, with the exception of temporary designated collection sites, or in a manner that creates a health or environmental hazard.
- (f) **Bulky items:** Any person disposing of bulky items shall transport such items to a waste management facility designated for the receipt of such items. Bulky items shall not be disposed of by illegal dumping or open burning. Bulky items shall not be stored in open view, with the exception of temporary designated collection sites, or in a manner that creates a fire, health, or environmental hazard.
- (g) **Waste tires:** Any person disposing of waste tires shall transport these items to a recycling facility designated for the receipt of such items. Waste tires shall not be disposed of by illegal dumping or open burning. Waste tires may be taken to a specially designated collection site at times when the receipt of such items is provided for. Waste tires shall not be stored in open view, with the exception of temporary designated collection sites, or in a manner that provides breeding areas for insects.
- (h) The owner or occupant of any premises shall be responsible for the safe, sanitary, and aesthetic temporary storage of all hazardous waste and other waste, generated and accumulated at such premises, until such time as these wastes are transported or transferred to a waste management facility.
- (i) All hazardous and other waste transported on the Reservation shall be collected and transported in a manner that prevents

the waste from leaking, blowing off, or falling from the transport vehicle.

- (j) No person shall dispose or cause the release of hazardous and other waste anywhere within the reservation boundaries except at designated collection sites, waste management facilities, and under conditions described in this Section. "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of into the environment. No person shall dispose of any hazardous or other waste generated outside the boundaries of the Reservation on any lands within the boundaries of the Reservation, unless such disposal receives the approval of the RBC and takes place at a designated collection site or waste management facility.
- (k) No person shall deposit or dispose of offal, hazardous and other waste on any highway, roadway, or right of way within the boundaries of the Reservation.
- (l) No person shall be the causation of water pollution by depositing or disposing offal, hazardous and other waste in any waterway, stream, lake, wetland, water body, or littoral area within the boundaries of the Reservation.

**110. ADDITIONAL PROHIBITED ACTIVITIES**

- (a) No person shall allow abandoned trailer(s) to exist on any premises within the boundaries of the Reservation. Abandoned trailers must be disposed of in a manner consistent with the proper disposal of construction debris.
- (b) Unauthorized salvage/junk yards are prohibited.
- (c) No person shall allow more than five (5) junk vehicles(s) or five (5) items of junk to exist in open view on any property or premises within the boundaries of the Reservation. Permission from the RBC for the operation of a salvage yard shall be obtained and the operational requirements stated in Section 110 shall be met when greater than five (5) junk vehicles or greater than five (5) items of junk exist on any premises. Arrangements for the proper disposal of junk vehicles or item of junk in excess of five (5) shall be made by the owner of such property or premises. Information on junk vehicle and junk disposal can be obtained from the Division of Resource Management.

- (d) No person shall dispose of any sewage or human waste except into a community sanitary sewage system or individual sanitary system constructed and operated according to Indian Health Service specifications on Indian-owned land, or State of Minnesota specifications on non-Indian owned land.
- (e) No person shall dispose, dump, or deposit tailings or other waste associated with metallic mining activities on the Reservation unless granted permission in writing from the Reservation Business Committee.

**111. ENFORCEMENT AND PENALTIES**

- (a) All Reservation law enforcement and conservation enforcement personnel shall be empowered to enforce the provisions of this Ordinance.
- (b) Any person in violation of any provision of this Ordinance shall first receive a warning. Such warning shall direct the party in violation to correct the condition identified as a violation within five days unless otherwise specified in this Ordinance. Non-compliance shall result in a citation being issued.
- (c) Prosecution for violations of this Ordinance shall be brought in Tribal Court and shall be commenced by citation or by summons and complaint through the Fond du Lac Division of Resource Management, pursuant to the Fond du Lac Civil Code, Fond du Lac Ordinance #4/92, as amended. Citations shall contain the following information:
  - (1) The name and address of the person charged with a violation;
  - (2) The date and place of the violation;
  - (3) A short description of the violation followed by the sections of the Ordinance violated with reference made to all other pertinent Ordinance provisions; and
  - (4) The date and place at which the person receiving the citation shall appear in Tribal Court.

- (d) Violators of any provision of this Ordinance shall be subject to a civil penalty in accordance with the following Schedule of Penalties:

OFFENSE	FINE
Unauthorized use of land for waste management purposes	\$300.00
Unauthorized or improper operation of waste collection business	\$300.00
Improper storage of waste	\$50.00
Willful spillage of waste	\$100.00
Improper transportation of waste	\$50.00
Illegal dumping of waste [Hazardous waste]	\$200.00 \$300.00
Littering: [small amount < 1 cubic yard] [large amount > 1 cubic yard]	\$50.00 \$100.00
Illegal dumping in a water body [Hazardous materials]	\$250.00 \$350.00
Improper disposal of recyclable materials	\$25.00
Unauthorized or improper operation of a salvage yard	\$250.00
Illegal burning of waste	\$150.00
Illegal abandoned trailer	\$100.00
Greater than five (5) junk vehicles or items of junk	\$100.00
Improper sewage disposal	\$50.00
Illegal dumping of mine waste	\$500.00

Each day of any continuing violation may be charged as a separate violation, and a separate penalty may be imposed.

- (e) In addition to a civil penalty, any personal property which has been used in conjunction with a violation of this Ordinance, including vehicles and other equipment, may be seized and forfeited in satisfaction of any judgement entered pursuant to this Ordinance, pursuant to the Fond du Lac Civil Code.
- (f) In the event it is determined that there has been an unlawful or illegal dumping or deposition of waste, the Tribal Court may require the owner, occupant, or violator to remove the illegal/unauthorized deposit of waste, and if not so removed, provide for the removal of waste at the owner, occupant, or violator's expense, and if necessary, recover costs incurred by the Band for the removal of waste or other corrective action.
- (g) Nothing herein shall prevent the Reservation Business Committee from bringing suit against any violator of this Ordinance for money damages for harm to any Band resource(s) caused by the violation, or for injunctive relief.
- (h) Any person may bring suit in Tribal Court to enjoin a violation of this Ordinance.

**112. ADMINISTRATION OF ORDINANCE**

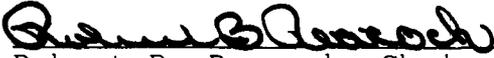
- (a) The Reservation Business Committee, Division of Resource Management, or designee shall be responsible for the administration of this Ordinance and of any waste collection systems or facilities operated by the Band.
- (b) The RBC, Division of Resource Management, or designee shall investigate complaints and institute enforcement through the issuance of verbal or written warnings and citations, and recommend to the Tribal Attorney's office that legal proceeding be initiated against a person, legal entity, or facility to compel compliance with the provisions of this Ordinance or to address a violation of the same when deemed necessary.
- (c) The RBC, Division of Resource Management, or designee shall encourage and conduct studies, investigations, and research relating to aspects of waste management.

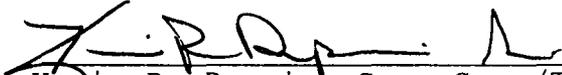
**113. SEVERABILITY AND NONLIABILITY**

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 Business Committee declares there is no liability on the of the Fond du Lac Band, its agencies, or employees for damages that may occur as a result of reliance upon or conformance with this Ordinance. The Reservation Business Committee, by adoption of this Ordinance, does not wave any sovereign immunity of the Fond du Lac Band in any respect.

**CERTIFICATION**

We do hereby certify that the foregoing Ordinance #06/93 was duly presented and adopted by Resolution #1116/93 by a vote of 2 for, 0 against, 0 silent, with a quorum of 3 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on May 3, 1993 in Cloquet, Minnesota, and subsequently amended by Resolution #1040/03 on March 4, 2003, on the Fond du Lac Reservation.

  
Robert B. Peacock, Chairman

  
Kevin R. Dupuis, Sr., Sec./Treas.

laws:9306(050393;030403)