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DECISION #: _____
DATE: AUGUST 21, 1997
FILE #: 08-04-97
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RESOLUTION

~~BAR 90/95 167~~

OF THE

COUNCIL OF THE RAINY RIVER FIRST NATIONS

enacted 970922

mailed 970923

rec 971003

BY-LAW NO.: 002-97

A BY-LAW RESPECTING THE PROHIBITION OF LOUD NOISES ON THE RESERVE

Today 971102 (Sun)

ENACTED THIS 22 DAY OF September, 1997

WHEREAS:

- A. Subsection 81(1), (d), (q) and (r) of the Indian Act, R.S., 1985, c. empower the Council of a First Nation to make by-laws for the prevention of disorderly conduct, and nuisances, matters ancillary to the exercise of this power, and penalties for violation of these by-laws; and
- B. The Council of Rainy River First Nations has deemed that loud noises are a nuisance that interfere in the comfort and safety of the residents of our Reserve.

NOW THEREFORE the Council of the Rainy River First Nations enacts the following by-law:

1. Short Title

This by-law may be cited as the "Noise Control By-Law".

2. Interpretation

In this by-law:

- a) "Council" means the Council of Rainy River First Nations;
- b) "Motor Vehicle" includes an automobile, motorcycle, snowmobile and any other vehicle propelled otherwise than by muscular power;
- c) "Noise" means unwanted sound that disturbs the use and enjoyment of a person's property, or that materially affects the health or safety of the residents of the Reserve, but does not include sound to the extent that it is necessary for carrying on any business or any community event authorized by Council;
- d) "Officer" means any police officer, police constable or other person charged with the duty to preserve and maintain the public peace, and a by-law officer or any other person appointed by Council for the purpose of maintaining law and order on the Reserve;
- e) "Reserve" means Rainy River First Nations, Manitou Rapids #11

3. General Prohibitions

No person on the Reserve shall cause, emit or permit the emission of Noise which is clear audible on the Reserve, including but not otherwise limited to:

- a) racing of any other motor vehicle other than at any racing event permitted by Council;
- b) the operation of a motor vehicle in such a way that the tires squeal;
- c) the operation of any combustion engine without an effective exhaust or muffling device in good working order;
- d) the operation of motor vehicle horn or other warning device except where required in accordance with good safety practices;
- e) the operation of a motor vehicle with or without a trailer that results in banging, squealing or other similar sounds due to improperly secured load or equipment, or inadequate maintenance;
- f) the detonation, without the written permission of the Council, of fireworks or explosive devices not used in construction;
- g) the discharge of firearms in, from or to any residential area of the Reserve;
- h) the operation of any radio, television, sound equipment, musical instrument or any other device intended for the reproduction of sound; which disturbs other Residents on the Reserve;
- i) persistent barking, calling or whining or other similar noise making, if such noise persists for a period of time in excess of fifteen (15) minutes, by any domestic pet or any other animal kept or used for any purpose.
- j) disturb the peace and quiet of the occupants of a dwelling house by shouting, swearing or using insulting or obscene language or by other disorderly conduct in or near a dwelling house

4. Exemption

Despite any other provision of this by-law, it shall be lawful to emit or cause to be emitted any sound in connection with emergency measures undertaken:

- a) for the immediate health, safety, or welfare of the residents of the Reserve; or,
- b) for the preservation of property.

5. Application to Council for Exemption

Any person may make application to Council to be granted an exemption from any provision of this by-law, and Council may by resolution, refuse to grant the exemption or any grant of exemption applied for or any exemption of lesser effect. Any exemption granted shall specify the time period during which the exemption is effective, and the exemption may contain such terms and conditions as Councils sees fit. /3

