

Nipissing Band of Indians

By-law No. 8-76

1. The Council of the Nipissing Band of Ojibway Indians at its meeting of April 27, 1976, hereby makes the following by-law pursuant to the provisions of paragraphs (b) (c) (d) (f) (o) (p) (q) and (r) of Section 81 of the Indian Act, R.S., C. 149.
2. This by-law shall be called "a by-law for the control of traffic and the removal of unauthorized persons on the waters of the reservation."
3. In this by-law,
  - (a) "Band" shall mean the Nipissing Band of Ojibway Indians.
  - (b) "Council" shall mean the Council of the Nipissing Band of Ojibway Indians.
  - (c) "Reservation" shall mean the unsurrendered portions of the lands reserved by the Nipissing Band of Ojibway Indians in the Treaty made at Sault Ste. Marie in September 1850.
  - (d) "Water" shall mean the waters which form a part of the reservation, and shall include, without limiting the generality of the foregoing, the Little Sturgeon River and the Laronde Creek where these pass through the reservation.
  - (e) "Constable" shall mean any person appointed by the Council to enforce the provisions of this by-law. Such appointments shall be by resolution of the council in writing.
4. This by-law shall place no restrictions on the use by members of the Band or members of other bands of Indians of the waters, and the provisions of this by-law shall be of no effect on band members.
5. In this by-law,
  - (a) "Boat" means any vessel designed and intended for or used for the transportation of a person or persons on water or under water.
  - (b) "Commercial boat" means any boat that is leased, rented or chartered by one person to another for the latter's use, and also means any boat that is used by any person for commercial purposes.
  - (c) "Use" means operate, navigate or employ.
6. No person shall use a boat on the waters without first having obtained a licence to do so from the Council.
7. No person shall use a commercial boat on the waters without first having obtained a licence from the Council.
8. Any person using a boat on the waters shall be liable for the following offences:
  - (a) on a first offence, to a fine of not more than five dollars;
  - (b) on a second conviction, to a fine of not more than ten dollars, and not more than five dollars.



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10. A person who uses a commercial boat on the waters in contravention of paragraph 7 shall be guilty of an offence and shall be liable on summary conviction.
  - (a) on a first offence, to a fine of not more than fifty dollars;
  - (b) on a second offence, to a fine of not less than fifty dollars and not more than one hundred dollars;
  - (c) on a third and any subsequent offence, to imprisonment for a period not less than fourteen days and not more than thirty days.
11. The Council may by resolution set fees for the licencing of boats for the use of the waters. A schedule of the fees for commercial and non-commercial boats shall be posted in a conspicuous place in the band office.
12. The Council may appoint a person or persons to be a constable or constables for the purposes of enforcing this by-law.
13. A constable may remove persons contravening this by-law and may seize any boats that are used in contravention of this by-law.
14. Any person who obstructs a constable in his enforcement of this by-law is guilty of an offence and is liable on summary conviction to a fine of not more than one hundred dollars or to imprisonment for a period of <sup>up</sup> to thirty days or to both fine and imprisonment.
15. A member of the Council is ex officio a constable under this by-law.
16. Persons contravening this by-law shall also be liable for prosecution under Section 30 of the Indian Act, as trespassers on the reservation.
17. Persons who have violated this by-law more than once may be declared trespassers by resolution in writing of the Council and shall be liable to prosecution as such if they enter the reservation without the express permission of the Council thereafter.
18. No person under the age of fourteen years shall use a boat on the waters.

Signed by:

Chief

Deputy Chief

Councilor

Councilor

Councilor

Councilor