

BY-LAW OF THE SIX NATIONS
OF THE GRAND RIVER INDIANS
NUMBER 1-91

WHEREAS it is expedient to exercise the power conferred upon the Council of the Six Nations of the Grand River Reserve by section 81, of the Indian Act, R.S.C. 1985, c.1-5 as amended, and

WHEREAS the citizens of Six Nations have a right to and should be ensured an environment free from unusual, unnecessary, or excessive sound or vibration which may degrade the quality and tranquility of their life or cause nuisance; and

WHEREAS it is the policy of the Council of the Six Nations to reduce and control such sound or vibration;

NOW THEREFORE, the Council of the Six Nations of the Grand River enacts as follows:

1. IN THIS BY-LAW

"Construction" includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavation, the laying of pipe and conduit whether above or below ground level, street and highway building, concreting, equipment installation and alteration and the structural installation of construction components and materials in any form or for any purpose, and includes any work in connection therewith:

"Construction Equipment" means any equipment or device designed and intended for use in construction or material handling including but not limited to, air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off-highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders or other material handling equipment;

"Council" means the Six Nations Council of the Six Nations of the Grand River Reserve;

"Motor Vehicle" means an automobile, motorcycle, motor assisted bicycle and any other vehicle propelled or driven otherwise than by muscular power but does not include a farm tractor, self-propelled implement of husbandry or any road building and road cleaning machines.

"Noise" means unwanted sound;

"Noise Control Administrator" means the person or persons designated by Council as responsible for the administration of this By-Law and shall be any officer or member of the Six Nations Police Service;

"Point of Reception" means any point on the premises of a person where sound or vibration originating from other than those premises is received;

"Reserve" means the tract of land, the Legal Title to which is vested in Her Majesty that has been set apart by Her Majesty for the use and benefit of the Indians of the Six Nations of the Grand River Reserve and known as the Six Nations Indian Reserve Numbers 40 and 40B;

"Road" includes any roadway, driveway, street, lane or other place open to the public for the passage of vehicles.

2. The provisions of this By-Law shall apply to the Village of Ohsweken lands shown on Schedule "A" attached hereto and forming part of this By-Law.

3. No person shall emit or cause or permit the emission of sound resulting from any act listed in this section, and which sound is clearly audible at a point of reception:

(a) The detonation of fireworks or explosive device not used in construction;

(b) the discharge of firearms;

(c) the operation of a combustion engine which,

1) is, or

11) is used in, or

111) is intended for use in,

a toy or a model or replica of any device, which model or replica has no function other than amusement and which is not a conveyance;

3. (d) during the whole day of all Sundays and Statutory holidays and other days from 11:00 o'clock p.m. one day until 7:00 o'clock a.m. the next day, the operation of any electronic device or group of connected electric devices incorporating one or more loudspeakers or other electro mechanical transducers, and intended for the production, reproduction or amplification of sound;
- (e) persistent barking, calling or whining or other similar persistent noise making by any domestic pet or any other animal kept or used for any purpose other than agriculture;
- (f) any yelling, shouting, hooting, whistling or singing from 11:00 o'clock p.m. one day until 7:00 o'clock a.m. the next day;
- (g) during the whole day of all Sundays and Statutory holidays and other days from 11:00 o'clock p.m. one day until 7:00 a.m. the next day, the operation of any equipment in connection with construction;
- (h) all days from 11:00 o'clock p.m. one day until 7:00 o'clock a.m. the next day, the operation or use of any tool for domestic purposes other than snow removal.

4. No person shall emit or cause or permit the emission of sound resulting from an act listed in this section, and which sound is clearly audible at a point of reception:

- (a) the operation of a motor vehicle in such a way that the tires squeal;
- (b) the operation of any combustion engine or pneumatic device without an effective exhaust or intake muffling device in good working order and in constant operation;
- (c) the operation of vehicle or a vehicle with a trailer resulting in banging, clanking, squealing or other like sounds due to improperly secured load or equipment, or inadequate maintenance;
- (d) the operation of a motor vehicle horn or other warning device except where required or authorized by law or in accordance with good safety practices;
- (e) the operation of any item of construction equipment without effective muffling devices in good working order and in constant operation.

5. Notwithstanding any other provision of this By-Law, it shall be lawful to emit or cause or permit the emission of sound or vibration in connection with emergency measures undertaken:

- (a) for the immediate health, safety or welfare of inhabitants or any of them: or,
- (b) for the preservation or restoration of property, unless such sound or vibration is clearly of a longer duration or nature more disturbing, than is reasonably necessary for the accomplishment of such emergency purpose.

6. Notwithstanding any other provisions of this By-Law, this By-Law does not apply to a person who emits or causes or permits the emission of sound or vibration in connection with all activities of Council, or its servants or agents, associated with provisions of maintenance and essential services.

7. The provisions of this By-Law shall be enforced by members of the Six Nations Police Service.

8. (1) Every person who contravenes any of the provisions of this By-Law is guilty of an offence and is liable on summary conviction to a fine not exceeding One Thousand Dollars (\$1,000.00) or imprisonment for a term not exceeding thirty days, or to both fine and imprisonment.

(2) In addition to the penalty as provided in subsection (1), the court that convicts any person contrary to any provision of this By-Law, may make an order prohibiting the continuation of repetition of the offence by the person convicted.

APPROVED AND PASSED at a duly convened meeting of the Six Nations

Council this 17th day of September, 1991.

Lewis B. Glatz
A/Chief

Arita Hill
Councillor

George Bombardier
Councillor

Raymond Hill
Councillor

W. Peters
Councillor

Dylan Hill
Councillor

W. Hill
Councillor

Samuel Pata
Councillor

R. Joanne Johnson
Councillor

Dave Hill
Councillor

Robert Hill
Councillor

Councillor

Councillor