

REPEALING BY-LAW
By-Law No. 7
RESPECTING OBSERVANCE OF LAW AND ORDER AND PREVENTION
OF DISORDERLY CONDUCT AND NUISANCE
SAUGEEN INDIAN RESERVE No. 29.

WHEREAS the Council of the Saugeen Indian Reserve No. 29 and Chief's Point Indian Reserve # 28. desires to make a By-Law governing the prevention of disorderly conduct and nuisances, with respect to any matter arising out of or ancillary to the exercise of powers under section 81, of the Indian Act and for the imposition of a penalty for a violation thereof;

AND WHEREAS the Council of the Saugeen Indian Reserve is empowered to make such By-Law pursuant to paragraphs 81 (1)(d),(q) and (r) of the Indian Act;

AND WHEREAS it is considered to be expedient and necessary for the benefit, comfort and safety of the inhabitants of the Saugeen and Chief's Point Indian Reserves to provide for the prevention of disorderly conduct and nuisances on the reserves;

AND WHEREAS the Council of the Saugeen Indian Reserve did enact By-Law No. 7 on the 8th day of May 1969, and wishes to repeal the said By-Law and replace it with By-Law No. 1996.7

NOW THEREFORE the Council of the Saugeen Indian Reserve # 29 hereby makes the following By-Law;

Short Title

1. This By-Law may be cited as the "**Saugeen Indian Reserve Disorderly Conduct and Nuisances By-Law**".

Interpretation

2. In this By-Law,

"Band" means the Saugeen Band # 29;

"Council" means the Council, as defined in the Indian Act, for the Saugeen Indian Reserve # 29 and Chief's Point Indian Reserve # 28.

"Disorderly conduct" means any act or behavior, including

- (a) fighting;
- (b) making or causing unreasonable noise;
- (c) using abusive language;
- (d) using offensive or indecent gestures or displays;
- (e) being drunk;
- (f) loitering;
- (g) exposing, firing or discharging any gun, pistol or other firearm, or using or threatening to use any other article as a weapon, except in defence of life or property; or
- (h) interfering in any manner with the orderly conduct of commercial, administrative, educational, recreational, health care, religious or ceremonial activities on the Reserve,

that disrupts public order on the reserve, scandalizes the community, or causes public inconvenience, annoyance or alarm;

"Nuisance" means any act, activity or condition, including

- (a) the abandonment of cars, household appliances or furniture, or parts of cars, household appliances or furniture;
- (b) the storage of abandoned cars, household appliances or furniture, or parts of cars, household appliances or furniture;
- (c) the dumping or storage of tires, garbage, leaves or other refuse;

- (d) the burning of tires, grass, garbage, leaves or other refuse;
- (e) the discharge of any substance into the air or water;
- (f) noise;

that materially impairs, otherwise than by direct physical interference, the use and enjoyment of a person's property, or the prejudicially affects a persons health, comfort or convenience or the public health, safety or welfare of the reserve community, but does not include any act, activity or condition to the extent it is unavoidably necessary for carrying on any business or other means of livelihood authorized by the Council;

"Officer" means any police officer, police constable, Anishinabek Police Services 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 the Council for the purpose of maintaining law and order on the Saugeen and Chief's Point Indian Reserves;

"Person" includes a corporation;

"Reserve" means the Saugeen Indian Reserve # 29, and Chief's Point Indian Reserve # 28. for the purpose of this By-Law.

"Public Place" means includes any place to which the public have access as of right or by invitation express or implied.

Disorderly Conduct

- 3.(1) Every one who commits an act of disorderly conduct is guilty of an offence.
- (2) An officer may order any person who is engaging in any disorderly conduct to stop such conduct immediately.

Nuisance

- 4.(1) Every one who creates or cause a nuisance is guilty of an offence.
- (2) An officer may order any person who is causing or who threatens to cause a nuisance on the reserve to refrain from causing the nuisance or to abate the nuisance within such period as is reasonable in the circumstances.
- (3) In determining whether a period fixed by an officer under subsection (2) was reasonable in the circumstances, a court shall take into account
 - (a) the nature and extent of the nuisance;
 - (b) the methods available to abate the nuisance;
 - (c) the approximate time required to abate the nuisance; and
 - (d) the effect of the order on any business or means of livelihood of the person who is the subject of an order.

Enforcement

- 5.(1) Where a person who has been ordered to stop engaging in disorderly conduct, or to refrain from causing a nuisance or to abate a nuisance within a specified period, fails or refuses to comply with the order, an officer may take such reasonable measures as are necessary to stop the disorderly conduct, or to prevent or to abate the nuisance.
- (2) A person who fails or refuses to comply with an order made under subsection 3(2) or subsection 4(2) or who resists or interferes with an officer acting under subsection 3(2) or subsection 5(1), commits an offence.

Penalty

- 6. A person who commits an offence under this By-Law is liable on summary conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding thirty days or to both.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Saugeen Band Council this *22nd* day of *April* 1996.

Voting in favor of the By-Law are the following members of the Council:

Councillor

Melanie Fitch

Councillor

Rene Anderson

Councillor

Rita Root

Councillor

Jermie Kahque

Councillor

Councillor

Arnold Solomon

Councillor

Carol Solomon

Councillor

Councillor

Councillor

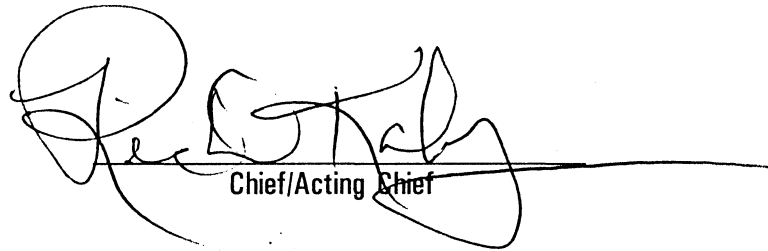
being the majority of those members of the Saugeen Band Council present at the aforesaid meeting of the Council.

The quorum of the Council is 5 members.

Number of members of the Council present at the meeting: 10

I, Richard Kahye Chief/Acting Chief of the Saugeen Indian Reserve No. 29, do hereby certify that a true copy of the foregoing By-Law was mailed to the Minister of Indian Affairs and Northern Development at the District office pursuant to subsection 82(1) of the Indian Act this 22 day of April 1996.


Darlene Ritchie
Witness


Chief/Acting Chief

CANADA
PROVINCE OF ONTARIO
To Wit:-

I, MARIE J. JONES - Lands Officer - residing at Southampton, Ontario, make Oath and Swear that the paper writing to which this Affidavit is attached is a "True Copy" of a document produced and shown to me and purporting to be the original By-Law made pursuant to the Indian Act and signed by the Saugeen Band Council and dated *April 22nd*, 1996, to said copy having been compared by me with the said document.

Sworn before me at
the Saugeen Indian Reserve
Bruce County
this *23rd* day of April 1996.)
)
)
)
)
)

(Ms) Marie J Jones

Patricia Ann Roote
PATRICIA ANN ROOTE
Commissioner for the taking of Oaths
Pursuant to Section 108(a)
of the Indian Act.