

UNSIGHTLY LANDS BY-LAW

WHEREAS section 81 (a),(d), (q) and (r) of the Indian Act empowers the Council of an Indian Band to enact by-laws to provide for the health of residents on First Nation Lands, the prevention of nuisances, any matter ancillary thereto and the imposition of a penalty thereof;

AND WHEREAS the Council of the Hiawatha First Nation is of the opinion that unsightly lands and premises is a nuisance and may be a menace to health;

NOW THEREFORE the Council of the Hiawatha First Nation makes a by-law thereof as follows:

1. In this by-law

- (a) "Council" means the Council, as defined in the Indian Act, of the Hiawatha First Nation;
- (b) "refuse" means and includes ashes, garbage, junk, paper, rubbish, refuse, bodies or parts of automobiles or other vehicles or machinery, household goods or furnishings or parts thereof, construction material, scrap iron or other metals, or domestic or industrial wastes of any kind whatsoever; and
- (c) "First Nation lands" means those tracts of land the legal title to which is vested in Her Majesty which have been set apart by Her Majesty for the use and benefit of the Hiawatha First Nation and known as the Hiawatha Indian Reserve Number 36

2. No person shall permit lands or premises within the First Nation lands occupied, used, leased, allotted to or otherwise in his or her possession or control to be or to become unsightly nor shall he or she permit refuse to remain or accumulate on any part of such lands or premises.

3. (a) Where, in the opinion of the Council a person is not in compliance with Section 2 of this by-law, the Council shall by resolution notify the person in possession of the said lands or premises to have the lands or premises cleaned of all offensive material or refuse within 30 days of the giving of the notice.

(b) The notice referred to in section 3(a) shall be in writing and:

- (i) may be served by personal service upon the person named therein; or
- (ii) may be posted in a conspicuous place on the lands or premises involved;
or
- (iii) may be mailed by First Class Registered Mail to the person named therein.

4. Any person who fails to obey the directions given by the Council in the notice referred to in section 3 shall be deemed to be in violation of this by-law.
5. Any person who violates any of the provisions of this by-law shall be guilty of an offense and shall be liable on summary conviction to a fine not exceeding \$1000.00 (One Thousand) or imprisonment for a term not exceeding 30 days, or to both fine and imprisonment.
6. The Council of the Hiawatha First Nation reserves the right to make further changes, amendments, and regulations to this by-law as it shall deem fit from time to time, which said changes, amendments of any by-law which has been executed prior to the making of the changes, amendments and regulations.

Approved and passed at a duly convened meeting of the Council of the Hiawatha First Nation this 26th day FEBRUARY, 2003.

Voting in favour of the by-law are the following members of the Council being the majority of those members of the Council of Hiawatha First Nation present at the aforesaid meeting of the Council.


Councillor


Councillor


Councillor


Councillor