



KITIGAN ZIBI ANISHINABEG

P.O. Box 309, Maniwaki, QC J9E 3C9 Tel: (819) 449-5170 Fax: (819) 449-5673

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FIRST NATION

NUISANCE BYLAW NO. 14



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WHEREAS section 81 of the Indian Act R.S. 1985 C.1-5, paragraphs (a), (d) and (r), empowers the council of a Band of Indians to pass bylaws to provide for the health of residents' on-reserve, the prevention of disorderly conduct and nuisances on-reserve, matters arising out of or ancillary to the exercise of powers under this section and the imposition of a penalty for the violation of any such bylaw;

AND WHEREAS the Kitigan Zibi Anishinabeg Council is of the opinion that controlling disorderly conduct and nuisance is detrimental to the health of on-reserve residents;

THEREFORE the Council of the Kitigan Zibi Anishinabeg First Nation Reserve enacts the bylaw as follows:

Short Title

1. This bylaw may be cited as the "KZ Nuisance Bylaw".

Interpretation

2. (a) "Police Officer" means a person duly sworn in as a police officer of the Kitigan Zibi Anishinabeg Police services;
- (b) "Household" means each single unit being a fully detached home, a semidetached home, a multiple attached home, an apartment home and any building used or intended to be used for human habitation and in which normal domestic functions may be carried out;
- (c) "Noise" means any high level sound that is made by human, animal or mechanical activity that prevents the residents of a household to hear each other or to allow for normal household activities and sleep;
- (d) "Nighttime" means the hours of one half hour before sun-up and one half hour before sun-down;
- (e) "Resident" means any person residing within a household situated on the Kitigan Zibi Anishinabeg Reserve;
- (f) "Motorized Vehicle" means any vehicle that allows for transportation of people and includes a tractor, truck, car, snowmobile, all terrain vehicle and any other motorized vehicle;



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- (g) "Dog" means any dog, male or female, and includes a dog that is a cross between a dog and a wolf.

General Prohibition

3.
 - 1) No person may create any activity within the Kitigan Zibi Anishinabeg Reserve that will create noise and a nuisance to the resident members that will affect the normal household activities and normal sleep during the hours of nighttime.
 - 2) No person will create noise by using any mechanical means that have an impact on the peace and tranquillity of reserve residents during the nighttime hours.
 - 3) No person will allow his/her dog(s) to bark continuously and persistently and unreasonably disturb the peace of reserve residents at all times day and night.
 - 4) No person will spin the wheels of their vehicle to create unnecessary noise when using the reserve roads.
 - 5) No person will operate any mechanical vehicle without a proper muffler system so as to reduce the engine noise.
 - 6) No person will operate a motorized vehicle within the reserve with a loud speaker and/or stereo system that allow for excessive noise that affects the reserve residents during the hours of nighttime.
 - 7) Emergency vehicles such as ambulance, fire-trucks and police vehicles are exempt from this bylaw.

Penalty

4. Every person who contravenes any of the provisions of this bylaw is guilty of an offense and is liable on summary conviction of a fine not exceeding one thousand dollars (\$1000), or imprisonment for a term not exceeding thirty days or both, for violation of a bylaw made under section 81 of the Indian Act r.s. 1985 c. 1-5.

This bylaw authorizes the Kitigan Zibi Anishinabeg Police to take the necessary legal action against anyone who breaches this bylaw and authorizes the police officer to issue a **Notice of Infraction** to anyone who contravenes this bylaw.



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We, the Chief and Council of the Kitigan Zibi Anishinabeg First Nation, do hereby certify that this is a true copy of the foregoing bylaw enacted and is submitted to the Minister of Indian Affairs and Northern Development in conformity with section 82(1) of the Indian Act.

Be it known that this bylaw is hereby enacted by the Council of the Kitigan Zibi Anishinabeg First Nation at a duly convened meeting of the Council held September 5, 2002.

Chief Jean-Guy Whiteduck

Patricia Twenish, Councillor

Frank Meness, Councillor

Albert Tenasco Jr., Councillor

Michael Stevens, Councillor