

REPEALING BY-LAW

By-Law No. 26 SOR/84-775 RESPECTING THE REGULATIONS OF THE SAUBLE BEACH PARK SAUGEEN INDIAN RESERVE No. 29.

WHEREAS section 81, paragraphs (b), (c), (d), (e), (n), and (r), of the Indian Act empowers the Council of a Band of Indians to pass By-Laws to provide for the regulation of traffic, observance of law and order, the prevention of disorderly conduct and nuisances, the protection against and prevention of trespass of domestic animals, the regulation of the conduct and activities of hawkers, peddlers, or others who enter the Reserve to buy, sell or otherwise deal in wares or merchandise, and the imposition of a penalty for the violation of any such By-Law;

WHEREAS the Council of the Saugeen Band did enact By-Law No. 26 SOR/84-775 on the 8th day of August 1984, pursuant to paragraphs 81 (b), (c), (d), (e), (m), and (r), of the Indian Act.

AND WHEREAS the said Council is of the opinion that such By-Law is not required at this time;

NOW THEREFORE the Council of the Saugeen Band enacts as a By-Law thereof the following;

By-Law No. 1996-26, enacted on the 22nd day of April, 1996
and being a By-Law Respecting the Regulations of the Sauble Beach Park be
and the same is hereby repealed.

This By-Law will supersede any previous related By-Law pertaining to the Sauble Beach Park.

1. That the following regulations be and they are hereby adopted for the Sauble Beach Park.
2. Interpretation

In this By-Law;

- (a) "**Council**" means the Band Council as described by the Indian Act and means the Council of the Saugeen Indian Reserve No. 29, for the purpose of this by-law.
- (b) "**Police Officer**" means Officers of the Law as prescribed by the Indian Act and means the Anishinabek Police Services for the Purpose of this By-Law.
- (c) "**By-Law Enforcement Officer**" means a person appointed by the Saugeen Band Council to carry out the terms of this by-law, this person (s) may also be the Anishinabek Police Services.

- (e) **"All Terrain Vehicle"** means a self-propelled vehicle designed to be driven,
 - (i) exclusively on snow or ice or both, or
 - (ii) upon land or water,or any like vehicle, but does not include an automobile;
- (f) **"Highway"** means a highway as defined in the Ontario Highway Traffic Act;
- (g) **"Roadway"** means any street, lane, driveway, or other place open or the passage of vehicles;
- (h) **"Vehicle"** includes a motor vehicle, trailer, traction engine, farm tractor, road building machine, bicycle, and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a street car;
- (i) **"Dog"** means a male or female dog. (Canine)
- (j) **"Domestic Animal"** means a horse, pony, mule, donkey or any other animal that is kept under human control or by habit or training lives in association with man for the purpose of this By-Law.
- (k) **"Sauble Beach Park"** means the shore allowance fronting part of Block "A" Shore Subdivision Plan 2687, all of shore allowance fronting west of Lots 17, 18, 19, 20, and 21, as shown on Reference Plan No. 50167 and 72414 Canada Land Survey Records.
- (l) **"Emergency Vehicle"** means a Fire Department Vehicle, a Police Department Vehicle, an Ambulance, or Service Vehicles.
- (m) **"Barbecue"** means a device or structure to be used for cooking purposes only.
- (n) **"Vehicle Permit"** means a ticket obtained from the controlled gates into the Sauble Beach Park, which permits vehicles into the park on a daily or weekly basis.
- (o) **"Special Permit"** means a ticket or sticker obtained from the Saugeen Band Council, which permits certain Lessees excess into the park who have no other excess to their cottage.

- (p) **"Motorcycle"** means any variety of two wheeled motor vehicles including motor-cycles, mopeds, scooters, or any similar type vehicle.
- (q) **"Garbage Container"** means a barrel or other receptacle placed in the park by the Saugeen Band Council and suitably marked for the reception of garbage other than domestic or industrial garbage or waste.

3. General Prohibitions:

- (1) No persons shall;
 - (i) Remove, damage or deface any property of the Saugeen Band within the Sauble Beach Park, or
 - (ii) deposit or cause to be deposited any litter in the Sauble Beach Park, except in a place designated for that purpose.
- (2) No person shall ride, lead or drive a domestic animal within the defined park without the express written authority from the Saugeen Band Council.
- (3) No person being the owner or person in control of a domestic animal shall:
 - (a) permit a domestic animal to be at large in the Sauble Beach Park.
 - (b) permit a domestic animal to be in any waters in Sauble Beach Park designated as swimming areas, or upon any part of the beach designated for the general public.
- (4) An Officer may seize and impound or cause to be seized or impounded a dog where the owner or person in control of such is in contravention of Subsection (3) (a), and (b), of Section (3) of this section.
- (5) Where an Officer seizes or impounds a dog under subsection (4) the Officer may make such remedy as he may deem necessary under the circumstances and the owner or person in control of such dog shall be responsible for any costs incurred.
- (6) No person shall start a fire within the defined park except in a Barbecue, as defined in this By-Law, and only then such fire shall be for cooking purposes, and not the purpose of burning any trash, waste, or brush, except as permitted by the Saugeen Band Council.

- (7) No person shall use abusive or insulting language or make excessive noise or disturb other persons within the Sauble Beach Park.
- (8) Where an Officer believes on reasonable and probable grounds that a person has contravened section (7) of this section or is found to be in violation of any section of this By-Law or any Provincial or Federal Statute in force within the Sauble Beach Park, the Officer may remove or cause to be removed the person from the Sauble Beach Park and may cancel any vehicle permit of the person pertaining to the defined park and admission fee is automatically forfeited.
- (9) No person shall camp overnight in Sauble Beach Park except under the authority of the Saugeen Band Council.
- (10)
 - (1) No person except those designated by Saugeen Band Council shall take a motor vehicle into the Sauble Beach Park except under a vehicle permit issued by the Saugeen Band Council.
 - (2) A vehicle permit expires at the posted hours of closing of the park on the day of which it is issued;
 - (3) The fee for a daily vehicle permit shall be established by the Saugeen Band Council;
- (11) Where an Officer believes on reasonable and probable grounds that a motor vehicle is in Sauble Beach Park in contravention of subsection (1) and (2) of section 10 may remove or cause to be removed any such motor vehicle and the cost of such removal and any subsequent costs shall be the responsibility of the owner of the motor vehicle.
- (12) No person shall sell or offer for sale any article, thing or service within Sauble Beach Park without the express permission of the Saugeen Band Council.
- (13) No person shall operate a motorcycle or all-terrain vehicles within the Sauble Beach Park.
- (14)
 - (1) No person shall park a vehicle within the Sauble Beach Park;
 - (i) in a position or place that prevents or is likely to prevent free and convenient movement of other vehicles; or
 - (ii) in any prohibited area.

- (15) (1) An Officer or a person appointed by an officer may direct any pedestrian or vehicular traffic and in case of fire, accident, traffic congestion or other emergency, may direct it into such channels as are necessary to prevent or relieve congestion or give right of way;
 - (i) Every person shall obey any direction given under subsection (1) of this section.
- (16) No person shall drive any vehicle in Sauble Beach Park at a rate of speed exceeding 30 km/hr.
- (17) The driver of any vehicle shall comply with all laws and regulations which would ordinarily be in force from time to time in the Province in which the Sauble Beach Park is situated as relates to vehicles, except such laws that are inconsistent with this By-Law.
- (18) Any Person who violates any of the provisions of this By-Law shall be guilty of an offence and is liable upon summary conviction to a fine not exceeding one thousand dollars \$1,000.00 or imprisonment for a term not exceeding thirty days, or both fine and imprisonment.

4. **Exemptions:**

- (1) Notwithstanding the provisions of Subsection (3), of Section (3) of this By-Law, seeing eye dogs while leashed and performing their function as a seeing eye dog shall be permitted in the defined park.
- (2) Notwithstanding the provisions of Section 10 (1), and 13 of this By-Law, the following vehicles shall be exempt;
 - (a) emergency vehicles,
 - (b) maintenance vehicles,
 - (c) any vehicle granted a special permit by the Saugeen Band Council.

5. **General:**

- (1) No person shall without the written permission of the Saugeen Band Council, deposit, level, remove or rearrange any sand or sand dunes within the defined park and any such approved works shall be carried out under the supervision of the Public Works Superintendent.
- (2) This section shall not apply to the Saugeen Band Council while park maintenance works are being carried out under their direction.

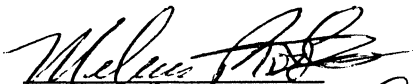
Approved and passed at a duly convened meeting of the Council,

this 22nd day of April, 1996.

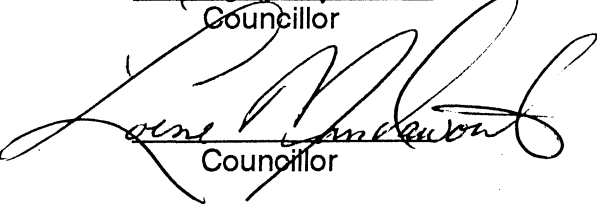
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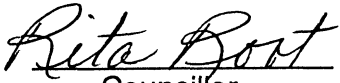
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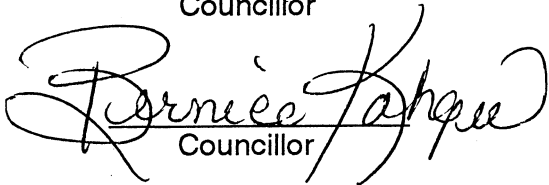
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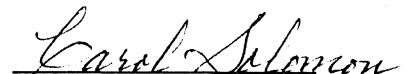
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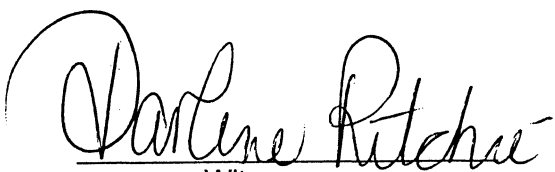
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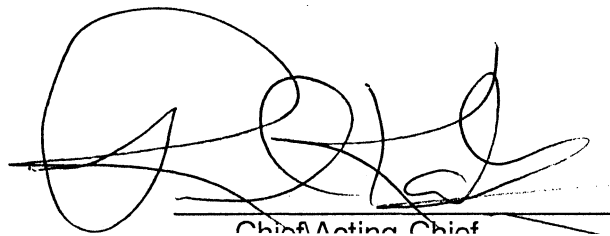
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The Quorum is set at five.

I, Richard Kahgee Chief/Acting Chief of the Saugeen Indians Reserve # 29, do hereby certify that a true and exact copy of the foregoing By-Law No. 1996.26 was mailed to the Minister of Indian Affairs pursuant to section 82, ss (i) of the Indian Act, this 22nd day of April, 1996.


Darlene Ritchie


Richard Kahgee
Chief/Acting Chief

