

COUCHICHING BAND OF INDIANS

BY-LAW 1990-12

Being a by-law enacted pursuant to ss. 81(1)(d), (q) and (r) of the Indian Act, R.S.C. Chap I-6, permitting the council of a band to make by-laws respecting disorderly conduct and nuisances and to prescribe a penalty for a violation thereof:

ANTI-NOISE BY-LAW

1. Repeal of By-law 90-2. By-law 90-2 being a by-law respecting disorderly conduct and nuisances approved and passed 17 May 1990 is hereby repealed in its entirety.
  
2. Definitions. In this by-law,
  - (a) "band" shall mean the Couchiching Band of Indians;
  
  - (b) "Council" shall mean the Chief and Council of the Couchiching Band, duly elected pursuant to the provisions of the Indian Act;
  
  - (c) "Indian Act" shall mean the Indian Act, R.S.C. 1985 Chap. I-6, as amended from time to time;
  
  - (d) "reserve" shall mean the tract of land, the legal title to which is vested in Her Majesty, which has been set apart for the use and benefit of the Couchiching Band of Indians, and which is known as "Couchiching Indian Reserve #16A".
  
3. Nuisance by noise. No person shall create, permit, or cause to be created or permitted within the reserve any nuisance by noise.
  
4. Particular nuisance noise. Without restricting the generality of section 3 of this by-law, no person shall create, permit, or cause to be created or permitted within the reserve a sound made by:

- (a) shouting, crying or any actions in disturbance of the peace,
- (b) any drum, bell, horn, siren, signal device, radio, phonograph, public address system or any musical or sound-producing instrument of whatsoever kind operated at excessive or unreasonable volume,
- (c) any motor or other mechanical device,
- (d) excavation or the construction, repair or demolition of any building between the hours of 6:00 o'clock p.m. of any day and 7:00 o'clock a.m. of the next day, except in case of emergency repairs, or
- (e) an animal or bird,

which by reason of its character, volume or duration, is a substantial interference with the right of residents of the reserve to moderate quiet.

5. Exceptions. Section 4 of this by-law shall not apply to:

- (a) the use in a reasonable manner of any apparatus or mechanism for the amplification of the human voice or music in a public area of the reserve in connection with any general meeting, pow-wow, public ceremony, election meeting or other gathering, provided written permission therefor has been first obtained from the Council of the Band;
- (b) any vehicle of the police or fire department or any ambulance or public service or emergency vehicle while answering a call;
- (c) any case of necessity; or

(d) the operation of a railway under the Railway Act, R.S.C. 1985 Chap. R-3.

4. **Penalty.** Any person summarily convicted of a breach of any provision of this by-law shall be liable to a fine not exceeding one thousand dollars or imprisonment for a term not exceeding thirty days, or both.

**APPROVED AND PASSED** at a duly convened meeting of the Chief and Council of the Couchiching Band of Indians this 4<sup>th</sup> day of December, 1990.

Joan Manville  
(Chief)

Deonard  
(Councilor)

Al Jundis  
(Councilor)

Jack Manville  
(Councilor)

Donald B. B. B.  
(Councilor)

L. B. B.  
(Councilor)

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(Councilor)

I CERTIFY that a true copy of this by-law was forwarded to the Minister of Indian and Northern Affairs, Canada, pursuant to subsection 82(1) of the Indian Act, by registered mail on the 18 day of December, 1990.

Deonard  
(Band Manager)