

KETTLE & STONY POINT BAND
BY-LAW NO.

BEING A BY-LAW FOR THE MAINTENANCE OF
LAKESHORE ROAD WITHIN THE CONFINES
OF THE KETTLE & STONY POINT RESERVE

WHEREAS subsection 1(f) of Section 81 of the Indian Act, R.S.C. 1970, C. 1-6, as amended, empowers Band Councils to make By-Laws for the maintenance of roads, bridges, ditches, and other local works.

AND WHEREAS it is necessary for the maintenance of Lakeshore Road that further erosion of the shore line alongside the said road be prevented.

The Council of the Kettle and Stony Point Bands of Indians hereby enact as follows:

1. SHORT TITLE

This By-Law may be cited as the "Lakeshore Road Maintenance and Preservation By-Law".

2. DEFINITIONS

In this By-Law:

- (a) Band Administrator: means the person employed, from time to time, by the Kettle and Stony Point Band to act as Band Administrator;
- (b) Band Council: means the Band Council of the Kettle and Stony Point Bands;
- (c) Permit Holder: means a person who has applied for and obtained a permit pursuant to sections 4 and 5 of this By-Law.
- (d) Rocks, minerals, and soil: means the rocks, minerals, and soil located between the low water mark of the shore line of Lake Huron and Lakeshore Road and includes, without limiting the generality of the foregoing, shale;
- (e) Road: means the Lakeshore Road within the confines of the Kettle and Stony Point Indian Reserve.

3. PERMIT REQUIRED FOR REMOVAL OF ROCKS, MINERALS, AND SOIL, FROM SHORE LINE

No person, save and except the Band Council and its representatives, shall move, cause, permit to be moved, or assist in moving any rocks, minerals, or soil from the area between the low water mark of the shoreline of Lake Huron and Lakeshore Road, within the confines of the Kettle and Stony Point Indian Reserve, without having first obtained a permit therefor from the Band Council.

4. APPLICATION FOR PERMIT

An application for a permit to remove rocks, minerals, or soil, as required by section 3 of this By-Law, shall be made to the Band Council and such application shall:

- (a) Be in writing;
- (b) Be signed by the person intending to remove, rocks, minerals, or soil, or his authorized agent;
- (c) Be on such forms as may be from time to time prescribed by the Band Council;
- (d) Be accompanied by a deposit of one hundred dollars (\$100.00), or such further deposit or security as may reasonably be required by the Band Council, to reimburse the Band in the event of damage to the road, such deposit being refundable upon completion of the

removal of rocks, minerals, or soil, less the cost of repairing any damage which occurs, unless such cost exceeds the deposit, in which case the permit holder shall pay the excess amount to the Band on demand; and

- (e) Be accompanied by such further and other information as the Band Council may reasonably require.

5. ISSUANCE OF PERMIT

Upon receipt of an application for a permit in accordance with Section 4 of this By-Law, the Band Administrator may, subject to Band Council approval, issue a permit. Any such permit is subject to:

- (a) The information contained in and supplied along with the application therefor;
- (b) The provisions of this by-law and all other relevant by-laws, statutes, and regulations; and
- (c) Such conditions as the Band Council may impose that are written on the permit.

6. LIABILITY OF PERMIT HOLDER

If a permit is granted as aforesaid, the permit holder shall be responsible for all injury that may occur to any person or property by reason for the removal of rocks, minerals, or soil, and shall take such further care and precaution as is necessary for the protection and safety of the public and as may be directed by the Band Council.

7. REVOCAION OF PERMIT

In the event that the permit holder fails to comply with the provisions of this By-law, all other relevant by-laws, statutes, and regulations, and such conditions as the Band Council has imposed that are written on the permit or directed by them for the safety of the public, the Band Council may revoke the permit on written notice to the permit holder.

8. PENALTY

Any person who violates any of the provisions of this By-law shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding \$1,000.00 payable to the Band Council of the Kettle and Stony Point Band, or to imprisonment for a term not exceeding 30 days, or to both.

October 9, 1986
Date

Chief Charles K. Shawkence

Councillor Robert L. George

Councillor Robert A. Bresette

Councillor Thomas Bressette

Councillor Yvonne Bressette

Councillor Angeline Shawkence

Councillor Maynard George

Councillor

Councillor