

BY-LAW 98-9

**A BY-LAW RESPECTING A CURFEW
IN THE WHITE BEAR LAKE RESORT**

WHEREAS Paragraphs (c), (d), and (q) of Section 81(1) of the *Indian Act*, R.S.C., ch. 1-5, empowers the Chief and Council of a Band to make By-Laws respecting the observance of Law and Order, the prevention of disorderly conduct, and matters ancillary thereto, and Paragraph (r) empowers the Chief and Council of a Band to impose a penalty for the violation thereof;

AND WHEREAS, The Council of the White Bear First Nation is of the opinion that users of the Resort should not remain in public places during the late evening and early mornings in order to prevent most of the damage to property and offensive conduct which occurs in the Resort;

NOW THEREFORE, The Council of the White Bear First Nation hereby enacts the following By-law:

1. In this By-Law:
 - (a) "Company" means the White Bear Lake Resort Inc. appointed by the White Bear Band Council for the operation of White Bear Lake Resort;
 - (b) "Council" means the Council of the White Bear First Nation;
 - (c) "Officer" means any person employed in connection with the administration and management of the Resort;
 - (d) "Prohibited Hours" means that period of time between the hour of eleven o'clock (11:00 p.m.) in the evening of one day and the hour of six o'clock (6:00 a.m.) in the morning of the following day.
 - (e) "Recreation Site" means an area designated as a recreation site or protected area;
 - (f) "Resort" means that land comprising the White Bear Lake Resort;
 - (g) "Temporary Residence" means and includes tent, cabin, trailer, car, truck, or any other vehicle, structure or place which a person has intended to use as shelter or place of rest while in the Resort area.
2. No person shall be in any public place in the Resort during Prohibited Hours, except for during activities sanctioned by the Company or authorized by Resolution of Council.
3. An Officer or R.C.M.P. who finds a person in a public place contrary to paragraph 2, may give a warning for that person to return to his/her Temporary Residence. If after such warning the person refuses or neglects to return to his/her Temporary Residence forthwith, the Officer or R.C.M.P. may use such reasonable force as is necessary to escort such person to the Temporary Residence.

4. Any person who violates any of the provisions of this Bylaw shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding \$1000 and/or imprisonment for 30 days.
5. The Chief and Council reserve the right to revisit this issue and amend the By-Law at a regularly convened Chief and Council Meeting of the White Bear First Nation.

RULES OF THE WHITE BEAR LAKE RESORT

All persons by purchasing a permit and entering the premises agree to abide by the following rules while in the Resort:

BOAT HOUSES

1. No person shall use any motor boat within the lake or area of the lake within the resort so as to create so much noise as to constitute a nuisance or operate the same in a manner prejudicial to the safety of resort visitors.
2. No person shall launch any boat in the resort or recreation site except in those areas designated by the officer for the launching of boats.
3. No person shall operate a boat or marine craft within a marked beach area or any restricted area that has been posted, marked or buoyed within or adjacent to the resort or recreation site.
4. Buildings, structures or docks to accommodate private boats may not be built or installed on the banks or shores of the lake in the resort except in an area set aside for that purpose. All piers and structures in the lake must be removed in the fall of the year. If piers and structures are not removed the Company may do so at the expense of the owner.
5. The Company may approve a community boat house or other structure in a location selected by the Company, built to satisfactory specifications, to accommodate in one location a substantial number of privately owned boats.
6. If any existing boat house is prejudicial to the public use of the resort in the Company's opinion, the Company may order its removal.
7. No person shall have or keep any houseboat or use any boat or water craft of any kind as a residence within the resort.
8. All existing boat houses shall be maintained to the satisfaction of the Company.
9. Boat houses must be owned by cottage owners and boat house permits are not transferable.
10. No additional boat houses will be constructed at White Bear Lake.
11. No cottage owner will own more than one boat house.

ENTRY PERMITS

12. Every person entering the resort must have a permit, unless otherwise authorized by the Company.
13. A season resort user's permit is valid for the fiscal year for which it is issued and may be used for any number of trips during that fiscal year.
14. A resort user's permit valid for one fiscal year only may be issued by the Company without charge to the following persons:

- (a) Lessees in good standing of a lot in any area for which a resort user's permit is required;
 - (b) Persons authorized to run a concession offering services to the public from a permanent establishment in any area for which a resort user's permit is required;
 - (c) Head of state or similar courtesy guests.
15. When a vehicle is drawing a trailer, only one resort user's permit is required.
16. A resort user's permit shall be valid only in respect of the particular vehicle for which it was issued and does not cover any vehicle operated by the resort user. No person shall transfer or attempt to transfer any resort user's permit to any vehicle other than that for which it is issued and any attempt to do so shall render such permit invalid.
17. Where any resort user's permit is lost or destroyed, a new permit must be purchased.

LEASES AND PERMITS

18. No person shall park a tent, cabin trailer or similar portable residence on any leased property for the purpose of using this as a place of residence without the written permission of a resort officer.
19. Any person requesting a permit or lease must pay the required fee.
20. No lease shall exceed twenty-five years.
21. Unless otherwise stated, or sooner revoked, every lease or permit shall expire on December 31 of the year it is issued.
22. The Company may revoke any lease or permit upon violation or observance of any of these rules or any of the Resort Bylaws.
23. If any building or part of any building, staging or fence or any other property is unsightly because of dilapidation, lack of paint or any other cause, the lessee or permittee shall forthwith after receiving written notice from the Company specifying the defects of the property, remove the same or pull it down, or put the same into condition subject to the Company's satisfaction.
24. In default of payment of any rent or any other consideration or in case of breach or non-performance or non-observance of any covenant, provision, condition or stipulation contained or implied in a permit or of any statute or regulations to which the same is subject, the Company may notify the permittee to remedy such breach or non-performance or non-service, and if he does not do so within 30 days, the Company may upon 30 days notice in writing to the lessee or permittee cancel such permit.
25. Any services or facilities which may be supplied or maintained for purposes of maintaining a summer resort may not be supplied from October 15 to April 30. In the event that the Company does provide services during this time period, the Company reserves the right to assess additional service charges to those tenants benefitting from the services provided.

26. An Officer may enter upon and inspect any building, structure, or work or any part thereof, of any kind in the Resort, and may require or order the proper maintenance or repair of any such building, structure, or work to be made by the lessee or permittee.

FISHING

27. Fishing shall be permitted within the resort or recreation site except in such areas where it shall be prohibited by the Company or by an officer and such prohibition shall be indicated by a sign.

28. The White Bear Band Bylaw No. 3A shall apply to White Bear Lake in respect to fishermen.

29. Fishing huts or shelters must be removed from White Bear Lake by March 31st of each year.

GENERAL

30. Where the Company has retained for one year any lost personal property that has come into its possession and the same remains unclaimed, the Company may post a notice at the Resort office where such article was found and give such property to any person claiming the same.

31. If no person appears to have a valid claim to the lost property the Company may dispose of the same by gift or sale six months from the date the notice was posted, and may retain the proceeds of the sale.

32. The Company may from time to time prescribe an emblem for the resort and may sell replicas thereof. No person who is not authorized by the Company to do so shall make or sell or offer for sale any replica of such emblem or any article similar in design to such emblem.

33. No person shall post or display in the resort any sign, poster or advertisement other than one issued by the Company without first having received permission from the Company.

34. No person shall advertise lotteries or display prizes in connection with draws or contests without the written permission of the Company.

35. No person shall use any area of the resort set aside for a specific reason for any other purpose prejudicial to such use except with the written permission of an officer.

36. The Company may withdraw from any person the privilege of obtaining any further or other permit, lease or license upon his conviction under any provision of *The Prairie and Forest Fires Act*, *The Forest Act*, or for violation of any of these rules or the Resort Bylaws while using the White Bear Lake Resort.

37. The Company may reject an application to remove a cottage if they consider the damage to be more than the value of the building.

38. The Company may determine the best time for the removal of buildings to minimize damage to trees. Trees are to be valued at \$25.00 per tree.

39. Connection to Company owned waterlines by cottage owners is strictly prohibited.

ANY PERSON FOUND TO BE VIOLATING ANY OF THESE RULES SHALL HAVE THEIR PERMIT IMMEDIATELY WITHDRAWN.

These by-laws and rules are hereby enacted by the Council of the
White Bear First Nations at a duly convened meeting of the
Council held on the 6th day of May 1998.

Rian Standigready #551
Chief

Carolyn Henderson #492 Terry Little #920
Councilor Councilor

Paul #691 Raymond White Bear #738
Councilor Councilor

Celia Shepherd #760
Councilor

Councilor

[Signature] #7064
Councilor

Councilor

Sara [Signature]
Councilor

Councilor

Abbie El [Signature] #749
Councilor

Councilor