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**Kingsclear First Nation**



**KINGSCLEAR FIRST NATION  
77 FRENCH VILLAGE ROAD  
KINGSCLEAR FIRST NATION, N.B.  
E3E 1K3**

# **By-law for the Prohibition of Littering**

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MAR 22 '11 AM 9:12

**BY-LAW NO. \_\_\_\_**

**Of the Kingsclear First Nation  
A By-law for the Prohibition of Littering**

**WHEREAS:** the Council of Kingsclear First Nation desires to make a by-law for the prohibition of littering, with respect to any matter arising out of or ancillary to the exercise of powers under section 81, and for the imposition of a penalty for a violation thereof;

**AND WHEREAS:** the Council of Kingsclear First Nation is empowered to make such by-law pursuant to paragraphs 81(1)(a), (d), (q) and (r) of the *Indian Act*;

**AND WHEREAS:** it is considered to be expedient and necessary for the health of the inhabitants, the prevention of diseases and nuisances and for the overall appearance of the Reserve to provide for the prohibition of littering on the reserve;

**NOW THEREFORE:** the Council of Kingsclear First Nation hereby makes the following by-law:

**Short Title:**

1. This by-law may be cited as the "Littering By-law".

**Interpretation:**

2. In this by-law,

"*Band*" means the Band;

"*Council*" means the Council of the Band;

"*Litter*" includes any material left or abandoned in a place other than a receptacle approved by the Council for receiving such material and "littering" has a corresponding meaning. "*Reserve*" means the reserve of the Kingsclear First Nation and includes the Band's Reserves No 06. and No 06.

**Littering Prohibited:**

3. No person shall abandon any material in a place, manner, receptacle or wrapping such that it is reasonably likely that the material will become litter.

**Enforcement:**

- 4. Every person who fails or refuses to comply with a provision of this by-law commits an offence.

**Penalty:**

- 5. A person who commits an offence under this by-law is liable on summary conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding thirty days, or to both.
- 6. Should a court determine that a provision of this by-law is invalid for any reason, the provision shall be severed from the by-law and the validity of the rest of the by-law shall not be affected?
- 7. This by-law comes into force 40 days after the date of mailing to the Minister of Indian Affairs and Northern Development as required pursuant to section 82 of the *Indian Act*.
- 8. By-law number enacted on the March 21 day of, **2011**, and being a By-law to prohibit littering is repealed.

**THIS BY-LAW IS HEREBY:** made at a duly convened meeting of the Council of the Band  
This March 21 day of, **2011**.

**Voting in favor of the by-law are the following members of the Council:**

  
**Chief Paul Tomer**

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**Councillor Barb Atwin**

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**Councillor Gabriel Atwin**

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**Councillor Clint Francis**

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**Councillor Frank David**

  
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**Councillor Sarah Paul**

  
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**Councillor Patrick Polchies**

  
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**Councillor Francis Solomon**

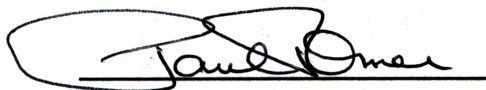
  
\_\_\_\_\_  
**Councillor Michael Solomon**

Being the majority of those members of the Council of the **Kingsclear** Band present at the aforesaid meeting of the Council.

The quorum of the Council is **05 (Five)** members.

Number of members of the Council present at the meeting: Kingsclear .

I, Chief/Councillor of the Band, do hereby certify that a true copy of the foregoing by-law was mailed to the Minister of Indian Affairs and Northern Development at the District/Regional/ Hull office (as the case may be) pursuant to subsection 82(1) of the Indian Act, this March 21 day of **2011**.



**Chief/Council Member**

