 13/05/02
Superintendent DIAND Date

**BY-LAW NO. 2002/002
of the White Bear First Nations**

A By-law for the Prevention of Nuisances

WHEREAS the Council of the White Bear First Nations desires to make a by-law governing the prevention of nuisances, 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 the White Bear First Nations is empowered to make such by-law pursuant to paragraphs 81(1)(d), (q) and (r) of the Indian Act;

AND WHEREAS it is considered to be expedient and necessary for the benefit, comfort and safety of the inhabitants of the White Bear Indian Reserve to provide for the prevention of nuisances on the reserve;

NOW THEREFORE the Council of the White Bear First Nations hereby makes the following by-law:

Short Title

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

Interpretation

2. In this by-law,

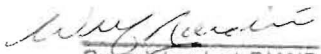
"*Band*" means the White Bear First Nations;

"*Band Member*" means any treaty Indian registered as a member of the White Bear First Nations in accordance with the Registrar of Indian Status and membership which is prescribed by Treaty and maintained by the Crown as represented by the Government of Canada and/or as may be established and maintained by the White Bear First Nations from time to time.

"*Council*" means the Council of the White Bear First Nations;

"*Nuisance*" means any act, activity or condition, including

- (a) the abandonment of cars, household appliances or furniture, or parts of cars on Public property,
- (b) the storage of abandoned cars, household appliances or furniture, or parts of cars, household appliances or furniture on public property;
- (c) the burning of tires, grass, garbage, leaves or other refuse on public property;
- (d) the dumping of any tires, garbage, trash, debris, or other refuse or waste anywhere within

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- the boundaries of the Reserve, including waterways, public roads, except in public waste disposal grounds designated by Council;
- (e) the discharge of any noxious substance into the air or water;
 - (f) noise on public property;

that materially impairs, otherwise than by direct physical interference, the use and enjoyment of a person's property, or that prejudicially affects a person's health, comfort or convenience or the public health, safety or welfare of the reserve community, but does not include any act, activity or condition to the extent it is unavoidably necessary for carrying on any business or other means of livelihood authorized by the Council or within a Band members residential property;

"*Public property*" means and includes any building, bridge, park, or the facilities and equipment located therein, and any land, water, structure, premises or equipment of whatsoever nature belonging to the White Bear First Nations or maintained by the Council or any of it's staff or committees on behalf of the Band members of the White Bear First Nations:

"*Residential property*" means real property used primarily for family residential purposes.

"*Officer*" means any police officer, police constable or other person charged with the duty to preserve and maintain the public peace, and a by-law officer or any other person appointed by the Council for the purpose of maintaining law and order on the reserve;

"*Person*" includes a corporation;

"*Reserve*" means the reserve of the White Bear First Nations Reserve No. 70

Nuisance

- 3.(1) Every one who creates or causes a nuisance is guilty of an offence.
- (2) An officer may order any person who is causing or who threatens to cause a nuisance on the reserve to refrain from causing the nuisance or to abate the nuisance within such period as is reasonable in the circumstances.
- (3) In determining whether a period fixed under subsection (2) was reasonable in the circumstances, the officer shall take into account
 - (a) the nature and extent of the nuisance;
 - (b) the methods available to abate the nuisance;
 - (c) the approximate time required to abate the nuisance; and
 - (d) the effect of the order on any business or means of livelihood of the person who is the subject of an order.

Enforcement

- 4.(1) Where a person who has been ordered to refrain from causing a nuisance or to abate a nuisance within a specified period, fails or refuses to comply with the order, an officer may take such

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reasonable measures as are necessary to prevent or to abate the nuisance.

- (2) A person who fails or refuses to comply with an order made under subsection 3(2) or who resists or interferes with an officer acting under subsection 4(1), 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.

This by-law is hereby made at a duly convened meeting of the Council of the White Bear First Nations this 10th day of April, 2002.

The quorum of the Council is six (6) members.

<i>[Signature]</i> Councilor	<i>Brian Standingready</i> Chief
<i>[Signature] #641</i> Councilor	<i>[Signature] #731</i> Councilor
<i>Ken Lovelock #586</i> Councilor	_____
<i>[Signature] #749</i> Councilor	_____
<i>[Signature] #6075</i> Councilor	_____
<i>[Signature]</i> Councilor	_____
_____	_____
Councilor	Councilor

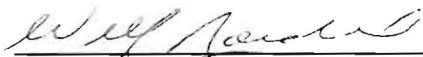
I, Brian Standingready, Chief of the White Bear First Nations, do hereby certify that a true copy of the foregoing by-law was mailed to the Minister of Indian Affairs and Northern Development pursuant to subsection 82(1) of the Indian Act, this 12th day of April, 2002.

[Signature]
Witness

Brian Standingready
Chief

CERTIFICATE

*I, Wilfred K. Nordick, do hereby certify as Superintendent pursuant to Section 86 of the **Indian Act** R.S.C., C.1-5, that the attached copy marked "CERTIFIED TRUE COPY" is true copy of the original by-law number 2002/002 duly made on the 10th day of April 10, 2002 by the Council of the White Bear First Nation Band of Indians being a by-law that respects the Prevention of Nuisances for the White Bear First Nation Reserve.*



Wilfred K. Nordick, Manager
Registration, Revenues and
Band Governance
Lands and Trust Services
Saskatchewan Region

*Signed at Regina, Saskatchewan this
13th day of May 2002*

*Department of Indian Affairs
and Northern Development*