

A By-law for the Regulation of North Sauble Beach

By-law of Saugeen First Nation

By-law 2023-100

WHEREAS Saugeen First Nation has exercised and continues to exercise an inherent Aboriginal and Treaty Right of self-government that is recognized and affirmed by Section 35 of the *Constitution Act, 1982, Schedule B to the Canada Act 1982 (UK), 1982, c 11*; and

WHEREAS Saugeen First Nation has exercised and continues to exercise inherent Aboriginal and Treaty rights over its reserve lands; and

WHEREAS section 81(1) subsections (a) to (d) and (p) of the *Indian Act* empower the Council of Saugeen First Nation to pass bylaws to provide for the safety, health, and welfare of residents, the protection of property, and the observance of law and order on Reserve, in addition to, matters arising out of or ancillary to the exercise of powers under section 81 of the *Indian Act*; and

AND WHEREAS subsection 81 (1)(r) of the *Indian Act* authorizes the Council of a Band to impose on summary conviction a fine not exceeding one thousand dollars or imprisonment for a term not exceeding thirty days, or both, for violation of a by-law made under section 81 of the *Indian Act*;

AND WHEREAS subsection 81 (2) of the *Indian Act* provides that where any by-law of a band is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the Person convicted;

AND WHEREAS subsection 81(3) of the *Indian Act* provides that where any by-law of a band passed is contravened, in addition to any other remedy and to any penalty imposed by the bylaw, such contravention may be restrained by court action at the instance of the band council;

WHEREAS the Council of Saugeen First Nation, as duly elected leadership, is empowered to act on behalf of the members of Saugeen First Nation; and

WHEREAS North Sauble Beach is part of the reserve of Saugeen First Nation.

NOW THEREFORE BE IT RESOLVED THAT the Council of Saugeen First Nation, duly assembled, enacts as follows:

SHORT TITLE

This by-Law may be cited as the *North Sauble Beach By-law*.

INTERPRETATION

1. In this by-law, except where otherwise defined:

"barbecue" means a device or structure to be used for cooking, using wood, charcoal, propane gas, or other fuel.

"beach" means the part Sauble Beach which is set aside for the use and benefit of Saugeen First Nation, but excludes Sauble Beach Park.

"by-law" means a by-law passed by the Council of Saugeen First Nation under the authority of the *Indian Act*.

"Community Safety Officer" means a person so appointed by Council pursuant to the Saugeen First Nation *Enforcement By-Law*.

"Council" means the Chief and Council of Saugeen First Nation.

"notice of penalty" means a notice issued by a Community Safety Officer as set out in this or any other by-law.

"permit" means a permit issued by the Council or the SFN Lands Manager.

"person" includes a company, unincorporated organization, club, association, or other group.

"Sauble Beach Park" means the shore allowance fronting part of Block "A" Shore Subdivision Plan 2687, all of shore allowance fronting west of Lots 17, 18, 19, 20 and 21, as shown on Reference Plan No. 50167 and 72414 Canada Land Survey Records.

"vehicle" includes a motor vehicle, electrically powered vehicle, motorized snow vehicle, trailer, motorcycle, scooter, traction engine, farm tractor, construction equipment, bicycle, and any vehicle drawn or propelled by any kind of power including muscular power.

APPLICABILITY

2. This by-law applies to persons on the lands defined as "North Sauble Beach".
3. The prohibitions in this by-law apply except where a person has a permit to conduct the otherwise prohibited activity.

USE OF BEACH

4. Members of Saugeen First Nation who wish to use the Sauble Beach Park for ceremonial purposes may make a request to Council.
5. No person shall remove, damage, or deface any property of Saugeen First Nation on the beach.
6. No person shall erect any signs or structures on the beach.
7. No person shall erect a tent in the park, except where such tent is a canopy with a maximum of one (1) sidewall with the exclusive purpose of providing shade.
8. No person shall have, park, operate a vehicle on the beach.
9. No person shall use a generator or other such device powered by gas, diesel, propane, or any other fuel on the beach.
10. No person shall permit, allow, have, or carry a dog on the beach.
11. No person shall kill, maim, trap, injure, or in any way molest or disturb any animal, including birds, waterfowl, or other wildlife whose habitat is on the beach.
12. No person shall camp overnight on the beach.
13. No person shall cut, damage, or remove dune grass, plants, trees, or any other natural feature from the beach.
14. No person shall deposit, level, remove, or rearrange any sand or sand dunes on the beach.
15. No person shall have or use any device for cooking while on the beach including barbecue, oven, camp stove, or open fire.
16. No person shall set, have, or use a fire of any kind on the beach.
17. No person shall sell or offer for sale any article, thing, or service on the beach.
18. No person shall permit or cause an animal to be on the beach.
19. No person shall have or consume any beverage containing alcohol on the beach.
20. No person shall have or consume any controlled or illegal drug on the beach.
21. No person shall deposit litter or dump waste on the beach.
22. No person shall refuse to leave the beach when asked by a Community Safety Officer.
23. No person shall bring glass bottles on the beach.
24. No person shall make excessive noise on the beach, including by operating a stereo, megaphone, or other speaker system designed to amplify sounds in the park.
25. No person shall bring plastic bags on the beach.
26. No person shall participate in riotous, boisterous, violent, threatening, or illegal conduct or use profane, discriminatory, or abusive language on the beach.

27. No person shall possess or operate a hand-held laser pointer on the beach.
28. No person shall be publicly intoxicated on the beach.
29. No person shall urinate or defecate on the beach, except in the restroom facilities.
30. No person shall cast, throw, or in any way propel any object in a manner that may or does endanger or cause injury or damage to a person or persons on the beach.
31. No person shall create a nuisance by spying, accosting, frightening, annoying, or otherwise disturbing other persons on the beach.
32. No person shall engage in any form of sexual behaviour on the beach.
33. No person shall be nude on the beach.
34. No person shall possess, ignite, discharge, or set off fireworks, rockets, or other fireworks on the beach.
35. No person shall discharge or fly a drone on or over the beach.
36. No person shall organize a gathering or special event on the beach.

EXCEPTIONS

1. The prohibitions in this by-law do not apply:
 - (a) regarding prohibitions concerning animals, to a person reliant on a certified service animal performing its duties;
 - (b) to a person carrying out activity or function that is approved and permitted by the Saugeen First Nation;
 - (c) to medical and emergency response personnel performing their duties;
 - (d) to Community Safety Officers or police officers performing their duties; or
 - (e) to employees, designates, or agents of Saugeen First Nation while performing their job duties.

PERMITTED ACTIVITIES

37. A person who desires to have a permit to do anything on the beach that is prohibited by by-law may submit a permit application to Saugeen First Nation no later than two (2) weeks prior to the proposed activity.
38. Saugeen First Nation will reject or approve the permit request, and may impose conditions on a permitted activity, no later than one (1) day prior to the proposed activity.

ENFORCEMENT

39. Where a person is in apparent violation of the prohibitions in this by-Law, a Community Safety Officer may:
- (a) Issue a penalty notice including a fine;
 - (b) Request a person and their animal (if applicable) to leave the beach; and/or
 - (c) Escort a person and their animal (if applicable) off the beach.
40. The enforcement of this by-law shall be conducted by a Community Safety Officer, a police officer from the Ontario Provincial Police, or any other person or member of a police force appointed under the Saugeen First Nation *Law Enforcement By-Law*.

NOTICE OF PENALTY

41. A Community Safety Officer who believes that one or more persons have violated this by-law may issue a notice of penalty and set a fine for the violation. The fine may be up to a maximum of \$1000.00.
42. A notice of penalty must be delivered personally on the person charged within fifteen (15) days of the alleged violation, and must contain:
- (a) A statement of which violation of this by-law has been committed;
 - (b) The fine for the violation;
 - (c) Information about how to appeal the notice of penalty; and
 - (d) The address for payment of the fine.
43. The Saugeen First Nation Council may set a schedule of fines corresponding to prohibitions under this by-law.

PAYMENT AND DISPUTE OF NOTICE OF PENALTY

44. Payment and dispute of a notice of penalty shall be processed according to the provisions of the Saugeen First Nation *Enforcement By-Law*.

GENERAL

45. Every provision of this by-law is independent of all other provisions. If any provision of this By-law is declared invalid for any reason by a Court, all other provisions of this By-law shall remain valid and enforceable.
46. This by-law shall come into force and effect upon the adoption by the Council and the publication of the by-law in accordance with the *Indian Act*.

THIS BY-LAW IS HEREBY MADE at a duly convened meeting of the Council of the Saugeen First Nation Band this 9th day of June, 2023.

Chief Conrad Ritchie (Chi-Nimkii)

Councillor Melissa Snowdon

Councillor Rory Henry

Councillor Lester Anoquot

Councillor Letitia Thompson

Councillor Randall Kahgee

Councillor Richelle Ritchie

Councillor Lorne Mandawoub

Councillor Audra Root

Councillor Theresa Root

Being the majority of those members of the Council of the Saugeen First Nation Band present at the aforesaid meeting of the Council.

The quorum of the Council is 5 members.

Numbers of members of the Council present at the meeting (7).

I Kirk Roote- Land Manager, Chief/Councillor of the Saugeen Band do hereby certify that a true copy of the foregoing by-law is publicly posted in the Saugeen News Letter and on the Saugeen First Nations Website this 9th Day of June 2023.

Witness

(Chief / Councillor)