

A By-law for the Regulation of Sauble Beach Park

By-law of Saugeen First Nation

By-law 2023-101

Being a By-law law to repeal and replace

By-law No. 2005- 05-06-1745

Enacted on the 27th day of June 2005

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 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

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 the Council of the Saugeen First Nation enacted By-law No. 2005- 05-06-1745 on the 27th day of June 2005, which is hereby repealed and replaced with this By-law 2023-101, which supersedes any previous related By-laws pertaining to the Sauble Beach Park.

WHEREAS the Council of the Saugeen Band did enact By-Law No. 1996-33 on the 22nd day of April 1996, which is hereby repealed and replaced with this By-law 2005 (05-06-1745), which supersedes any previous related By-laws pertaining to the Sauble Beach Park.

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 *Sauble Beach Park 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.

"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 *Law Enforcement By-Law*.

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

"designated gate" means certain gates set-up for the purpose of entering the Sauble Beach Park.

"domestic animal" means a horse, pony, mule, donkey, or animal that is kept under human control or by habit of training lives in association with man for the purpose of this By-law.

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

"operational hours" means certain hours set by Council for the operation of the designated gates.

"park" means Sauble Beach Park.

"Park Supervisor" is a person designated by Council to supervise the operation of the Sauble Beach Park.

"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 described as "Sauble Beach Park".
3. The prohibitions in this by-law apply except where a person has a permit to conduct the

otherwise prohibited activity.

APPOINTMENT OF PARK SUPERVISORS

4. Saugeen First Nation may appoint a person or persons, or a corporation, to supervise the operation of the park as Park Supervisors.
5. Saugeen First Nation may enter into an agreement with a corporation to provide Park Supervisor services.
6. Where Saugeen First Nation has entered into an agreement with a corporation to provide Park Supervisor services, such agreement may provide that the corporation is responsible for ensuring the persons responsible for the services are properly trained and supervised.
7. Park Supervisors shall carry out the directions of Council or its designee in accordance with the authorities listed in their individual appointment.

USE OF PARK

8. Members of Saugeen First Nation who wish to use the Sauble Beach Park for ceremonial purposes may make a request to Council.
9. No person shall remove, damage, or deface any property of Saugeen First Nation within the park.
10. No person shall erect any signs or structures within the park.
11. 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.
12. No person shall use a generator or other such device powered by gas, diesel, propane, or any other fuel in the park.
13. No person shall permit, allow, have, or carry a dog in the park.
14. 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 in the park.
15. No person shall camp overnight in the park.
16. No person shall cut, damage, or remove dune grass, plants, trees, or any other natural features within the park.
17. No person shall deposit, level, remove, or rearrange any sand or sand dunes within the park.

18. No person shall set, have, or use a fire within the park except in a propane gas or electric camping barbecue grill or camping stove, and such fire shall be for cooking purposes and not the purpose of burning any trash, waste, or brush.
19. No person shall sell or offer for sale any article, thing, or service within the park.
20. No person shall permit or cause an animal to be within the park.
21. No person shall have or consume any beverage containing alcohol within the park.
22. No person shall have or consume any controlled or illegal drug within the park.
23. No person shall deposit litter or dump waste within the park.
24. No person shall refuse to leave the park when asked to do so by a Community Safety Officer.
25. No person shall bring glass bottles in the park.
26. No person shall make excessive noise in the park, including by operating a stereo, megaphone, or other speaker system designed to amplify sounds in the park.
27. No person shall bring plastic bags in the park.
28. No person shall participate in riotous, boisterous, violent, threatening, or illegal conduct or use profane, discriminatory, or abusive language on the beach.
29. No person shall possess or operate a hand-held laser pointer in the park.
30. No person shall be publicly intoxicated in the park.
31. No person shall urinate or defecate in the park, except in the restroom facilities.
32. 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 in the park.
33. No person shall create a nuisance by spying, accosting, frightening, annoying, or otherwise disturbing other persons in the park.
34. No person shall engage in any form of sexual behaviour in the park.
35. No person shall be nude in the park.
36. No person shall possess, ignite, discharge, or set off fireworks, rockets, or other fireworks in the park.
37. No person shall discharge or fly a drone in or over the park.
38. No person shall organize a gathering or special event in the park.
39. No person shall deposit, level, remove, or rearrange any sand or sand dunes within the park.

Entering and Leaving the Park

40. No person or vehicle shall enter the park outside of operational hours.

41. No person or vehicle shall enter the park during operational hours except under a valid permit issued by the Council, Park Supervisor, or an attendant at a designated gate.
42. No person or vehicle shall remain in the park after the expiry of their permit at the close of operational hours.

Vehicles

43. No person shall take a vehicle into the park.
44. No person shall operate a vehicle within the park.
45. No person shall park a vehicle within the park in a position or place that prevents or is likely to prevent free and convenient movement of other vehicles, or in any prohibited area.
46. No person shall drive any vehicle in the park at a rate of speed exceeding 30 km/hr.
47. The driver of any vehicle shall comply with all laws and regulations which would ordinarily be in force from time to time in the province in which the park is situated as relates to vehicles, except such laws that are inconsistent with this By-law.

EXCEPTIONS

48. 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

49. A person who desires to have a permit to do anything within the park 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.
50. 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

51. 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 Sauble Beach Park;
- (c) Escort a person and their animal (if applicable) out of Sauble Beach Park; or
- (d) Cancel any permit of the person pertaining to the defined park and the admission fee is automatically forfeited.

52. 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

53. 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.

54. 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.

55. 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

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

GENERAL

57. 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.

58. 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 30th Day of June 2023.

Witness

Kirk Roote