

## By-Law No. 20

### Of the Beausoleil First Nation Band

#### A BY-LAW TO PROTECT, PROHIBIT, REGULATE AND CONTROL ALL PUBLIC BEACHES WITHIN BEAUSOLEIL FIRST NATION TERRITORY (CHRISTIAN ISLAND INDIAN RESERVE NO. 30 AND 30A – including Christian Island, Hope Island, Beckwith Island and Cedar Point)

**WHEREAS** the Council of the Beausoleil First Nation Band desires to make a by-law governing the use of all public beaches within Beausoleil First Nation territory, 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 Beausoleil First Nation Band is empowered to make such by-law pursuant to sections 81(1)(b)(c)(d)(o)(p),(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 Beausoleil First Nation to provide such regulations to protect, prohibit, regulate and control activities at public beaches and to protect these lands on behalf of the Beausoleil First Nation;

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

**1. Short Title**

This by-law may be cited as the “Beausoleil First Nation Public Beaches By-Law”.

**2. Interpretation**

In this by-law,

“approval” means with the written consent of the Beausoleil First Nation;

“authorized” means with the written consent of the Beausoleil First Nation;

“authorized sign” means any sign, notice, or other device placed or erected in or upon the property by the Beausoleil First Nation;

“band” means the Beausoleil First Nation Band;

“beach” means a pebbly or sandy shore, especially by the lake between high- and low-water marks;

“Public Beaches” means those public beach areas and access points within the Christian Island Indian Reserve 30 and Christian Island Indian Reserve, No. 30A, including boardwalks, walkways, and dedicated parking areas, and the areas on the Public Beach

beginning at the entrance of the beach access point perpendicular with the applicable road right of way to the water's edge;

"Compliance Officer" means a staff member of the Lands and Resources Department of the Beausoleil First Nation duly appointed by the Council under this by-law to administer the provisions of this by-law;

"council" means the Council, as defined in the Indian Act, of the Beausoleil First Nation Band;

"damage" means break, injure, deface or otherwise disturb an area, item, thing or structure;

"drone" means a remote-controlled pilotless aircraft or missile; that may or may not have a camera installed or connected to the body;

"motorized vehicle" includes an automobile, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power;

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

"parking area" means a part of a park that is designated for the parking of motor vehicles;

"person" means any human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executors or other legal representatives of a person to whom the context can apply;

"personal property" means all types of personal property, including by way of example and not limitation, tent (including tent frames), canopies, cabanas, umbrellas and other shading devices, beach chairs and other furniture, kayaks, canoes, catamarans, floats, sailboards, surfboards, kites, jet skis, sailboats, water cycles and other watercraft, ultra-light aircraft, snowmobiles, towels, mats, and recreation sports equipment;

"reserve" means the reserve of the Beausoleil First Nation Band and includes the Band's Reserves No. 30 and 30A;

“sexual activities” means and includes any of the following: (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts; (2) sex acts, normal or perverted, including intercourse, oral copulation, or sodomy; (3) masturbation.

“Specified anatomical areas” means human male or female genitals, pubic area, pubic hair, buttocks, anus, vulva, or any portion of the female breast at or below the areola thereof.

### **Schedules**

3. The following Schedules form part of the by-law:

Schedule 1 – Map of Identified Public Beaches at Christian Island Indian Reserve No. 30 and Christian Island Indian Reserve, No. 30A (Christian Island, Hope Island, Beckwith Island and Cedar Point)

Schedule 2 - Fees for the return of Confiscated/Removed Items

### **Zones**

4. All lands within the geographic limit of the reserve of Beausoleil First Nation shall be considered as the area affected by this by-law.

### **General Conduct**

5. Obstructions on the Beach and Beach Access Areas Prohibited

5.1 It shall be unlawful for any person to leave an item of personal property unattended on any portion of the Public Beaches located on the reserve from one hour after published sunset until the published time for sunrise the following day.

5.2 Any item of personal property left on the Public Beach unattended in violation of this article shall be deemed discarded by the owner and shall become the property of Beausoleil First Nation, which may dispose of the item.

5.3 All other unattended items of personal property in violation of this article shall be removed from the Public Beach by the Beausoleil First Nation, authorized agent designated by Beausoleil First Nation or by any Officer or Compliance Officer.

5.4 Unattended or abandoned items of personal property, and unattended unfilled holes in the Public Beach, are in violation of this article and shall be deemed a public nuisance.

5.5 No person shall be permitted to place any obstruction on the beaches which has the effect of obstructing or impeding with the free and unconstrained use and occupancy of the beaches by Beausoleil First Nation. For the purpose of this section, an obstruction shall include any dugouts, chairs, umbrellas, windbreakers, surfboard, air floats, life rafts, canoes or similar objects which are left unattended or unused on the Public Beach.

- 5.6 No person shall store, leave unattended or unsecured any Recreation Sports Equipment, such as volleyball nets, etc.
- 5.7 It shall be unlawful for any person to discard or otherwise dispose of or abandon any trash, garbage, bottles, containers, cans, dead fish or parts thereof, charcoal briquettes or ashes, or any other litter, except in designated containers for that purpose. It is further unlawful to dispose of any household garbage on the beach or in the Beausoleil First Nation trash receptacles.
- 5.8 No person shall disobey authorized signs on the Beaches.
- 5.9 No person shall engage in activity that is, in the discretion of Beausoleil First Nation, dangerous, boisterous, riotous, violent, unlawful, injurious or potentially injurious to any person.
- 5.10 No person shall alter or otherwise make a physical change to the Public Beaches. Notwithstanding the above, a person may build sandcastles, sand sculptures or other sand art, or arrange stones, driftwood, or other materials so long as it does not create an obstruction.
- 5.11 No person shall remove damage or deface any property owned by or under the control of Beausoleil First Nation, or otherwise permitted by law.
- 5.12 No person shall cause a disturbance, or fight on the Public Beaches.
- 5.13 The use of alcohol or illicit drugs is prohibited on the Public Beaches.
- 5.14 No person shall carry out or permit any act that will destroy the natural environment of the Public Beaches, including sand dunes and vegetation.
- 5.16 No person shall defecate, urinate or otherwise leave human waste on the Public Beaches.
- 5.17 No person shall permit an animal on the beach where a sign or notice is posted by Beausoleil First Nation that domestic animals are to be kept on a leash.
- 5.18 No person shall operate or have a motorized vehicle on the Public Beaches unless authorized by the Beausoleil First Nation. This restriction does not apply to the West Beach area as indicated on Figure 1 of the attached Schedule 1.
- 5.19 Motorized vehicles are not permitted on the sand dunes.
- 5.20 Snowmobile skipping, snowmobile watercross, snowmobile skimming, water skipping or puddle jumping- the sport and/or exhibition where snowmobile racers hydroplane their sleds across waterways, is strictly prohibited.
- 5.21 Unless approval is obtained by the Council, the public use of a drone on all Public Beaches is strictly prohibited.
- 5.22 Leave the beach as you found it and take all of your personal property with you when you leave.

## **6. Nudity, Display of Specified Anatomical Areas and Sexual Activities prohibited**

- 6.1 It shall be unlawful for any person to appear in the nude on any Public Beach, beach access, in the public waters, any other public property, or in view of the public.
- 6.2 It shall be unlawful for any person to intentionally appear on any Public Beach, beach access, in the public waters, any other public property, or in view of the public in such a state of dress or undress so as to expose to the view of others specified anatomical areas.
- 6.3 It shall be unlawful to simulate or engage in sexual activities on any Public Beach, public beach access, street end adjacent to the beach, or any land immediately adjacent to the beach, or in the waters adjacent to the public beach.

## **7. Special Event Permits**

- 7.1 Special event permits may be issued by the Beausoleil First Nation Chief and Council or their designee for activities otherwise prohibited by this by-law for such periods of time and under such conditions as the Beausoleil First Nation Chief and Council or their designee deems reasonably appropriate under the circumstances. Such permits shall be properly authorized by, applied for and approved by the Beausoleil First Nation Chief and Council or its designee.
- 7.2 There shall be an administrative fee payable to the Beausoleil First Nation on a special event permit. The details of such fee will be determined on a case by case basis, depending on the size and nature of the event. All special event permit letters of application shall include the following:
- (a) Name and contact information of the owner or person in possession and control of the special event items (tents, etc.);
  - (b) Description of the items that will be used for the special occasion event;
  - (c) Location of the items;
  - (d) Date and Duration of time of the event; and
  - (e) A copy of the Application for a Special Occasion Permit which was obtained from the Liquor Control Board of Ontario (LCBO), if required.

## **8. Overnight Camping**

It shall be unlawful to camp overnight on Beausoleil First Nation Public Beaches, except where camping is permitted in areas specifically designated for that purpose.

## **9. Possession of Glass Containers Prohibited**

It shall be unlawful for any person while on Beausoleil First Nation Public Beaches to possess or utilize glass bottles, containers or materials.

## **10. Enforcement and Exceptions**

- 10.1 This by-law shall not apply to the drivers, operators or other personnel of ambulances, police or fire department vehicles or any employees or agents of the Beausoleil First Nation while engaged in the performance of their duties.
- 10.2 Any Officer or Compliance Officer is authorized to order any person that they believe to be contravening or who has contravened any provision of this by-law,
- (a) to desist from the activity constituting or contributing to such contravention;
  - (b) to remove from the property any personal property, object, thing or motorized vehicle owned by or in the control of such person which the officer or employee believes is or was involved in such contravention;
  - (c) to leave the property.
- 10.3 No person shall fail to comply with any order given in sections 10.2.
- 10.4 Any Officer or Compliance Officer upon discovery of any object, thing or motorized vehicle in contravention of this by-law may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, is the owner's expense.
- 10.5 The Beausoleil First Nation shall charge fees for the return of confiscated/removed personal items, as set out in Schedule 2 of the policies and attached hereto. Upon payment to Beausoleil First Nation, the items will be returned to the owner.

## **11. Offence**

- 11.1 A person who
- a) Fails or refuses to comply with any provision of this by-law;
  - b) Submits false or misleading information to an Officer; or
  - c) Interferes with or obstructs an Officer or a Compliance Officer acting in the administration or enforcement of this by-law;
  - d) Will have committed an offence.
- 11.2 Where an act or omission in contravention of this by-law continues for more than one day, such act or omission shall be deemed to be a separate offence committed on each day during which it continues, and may be punished as such.

## **12. Enforcement**

A person who fails or refuses to comply with an order made under this by-law or who resists or interferes with an officer acting under this by-law, commits an offence.

**13. Penalty**

A person who commits an offence under this by-law is liable on summary conviction to a fine not exceeding \$1,000.00 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 Beausoleil First Nation Band the 26 day of January, 2016.

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

\_\_\_\_\_  
Member of Council

  
\_\_\_\_\_  
Member of Council

  
\_\_\_\_\_  
Member of Council

  
\_\_\_\_\_  
Member of Council

  
\_\_\_\_\_  
Member of Council

\_\_\_\_\_  
Member of Council

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

The quorum of the Council is 4 members.

Numbers of members of the Council present at the meeting: 4.

I, Roland Monague Chief/Councillor of the Band, do hereby certify that a true copy of the foregoing by-law will be published on the Beausoleil First Nation website, [www.chimnissing.ca](http://www.chimnissing.ca), this 26 day of January, 2016.

Tanya Roote-Jamieson  
(Witness)

  
\_\_\_\_\_  
(Chief/Councillor)



# Schedule 1

Map of Identified Public Beaches at Christian Island Indian Reserve No. 30 and Christian Island Indian Reserve, No. 30A (Christian Island, Hope Island, Beckwith Island and Cedar Point). Areas highlighted in **Yellow** form part of this by-law and are considered band land where the beach may be accessible to the public. Areas not highlighted in yellow are considered private property and access to these areas are strictly prohibited.

Figure 1. Christian Island Indian Reserve, No. 30

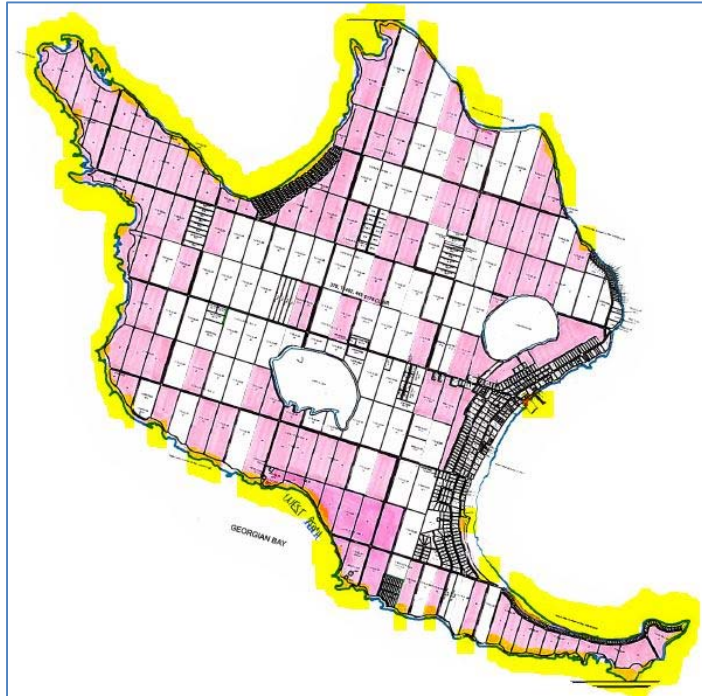


Figure 2. Hope Island and Beckwith Island

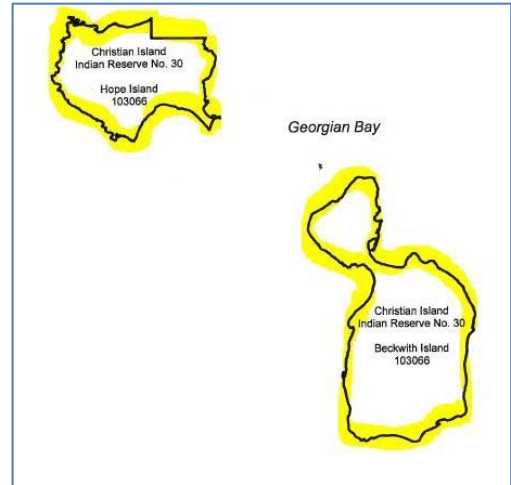
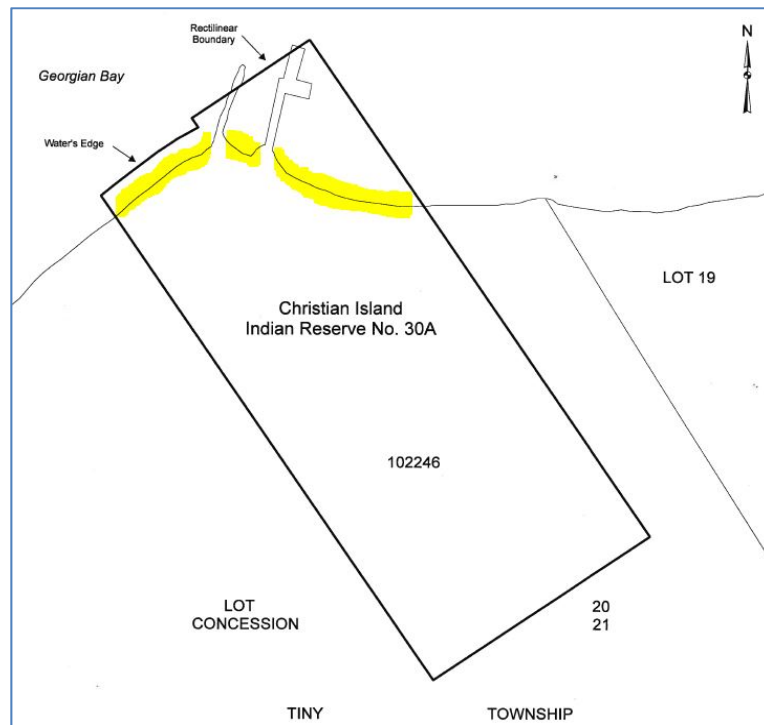


Figure 3. Christian Island Indian Reserve, No. 30A



## Schedule 2

### BEAUSOLEIL FIRST NATION LANDS DEPARTMENT

#### FEES FOR THE RETURN OF CONFISCATED/RETURNED ITEMS:

LARGE/ MOTORIZED WATERCRAFT .....	\$ 150.00
(outboards, sailboats, jet skis and other large watercraft)	
WIND POWERED/MAN POWERED WATERCRAFT .....	\$75.00
(kayaks, canoes catamarans, floats, sailboards, surfboards, kites, paddle boats, watercycles)	
BEACH CHAIRS, LOUNGERS (other furniture) .....	\$25.00
	<i>per piece</i>
TENTS, CANOPIES, CABANAS, UMBRELLAS (other shading devices).....	\$25.00
TOWELS, MATS.....	\$10.00
RECREATION SPORTS EQUIPMENT (nets, balls, racquets, horseshoe equipment).....	\$10.00

All confiscated items will be tagged and stored at the Beausoleil First Nation Lands Department Storage Facility. Items not paid for or picked up after 30 days will become the property of Beausoleil First Nation.