



Sakimay First Nations

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SAKIMAY FIRST NATIONS ENVIRONMENTAL STANDARDS BYLAW

BYLAW NUMBER 2017-03

Purpose:

A Bylaw applicable to the Yellow Calf Place (formerly referred to as Grenfell Beach) and Shesheep subdivision areas on the Sakimay IR No. 74 and Shesheep IR No. 74A, respectively, establishing minimum maintenance and occupancy standards for all properties located therein, prohibiting the non-conformance of these standards, and describing the ongoing enforcement of these standards for the purpose of:

- Preserving the character and quality of the neighbourhood;
- Protecting the health, safety, wellbeing and enjoyment of other tenants, Band members, Visitors and the general public; and
- Ensuring the community is managed in a sustainable way that preserves environmental quality for future generations.

WHEREAS Under Inherent and Treaty Rights, and the Authority of Sections 81-86 of *The Indian Act*, a Bylaw can be passed by the Band Council of a First Nation to prescribe minimum standards for the protection of property and the conduct of persons within the First Nation;

And **WHEREAS** the Chief and Council of the Sakimay First Nations are desirous of passing a Bylaw for environmental stewardship to uphold minimum standards within the community;

And **WHEREAS** properties in the Yellow Calf Place and Shesheep subdivision areas were leased pursuant to two standard lease forms, the 1980 Lease and the 1991 Lease, and will be administered in accordance with the terms of a new agreement upon expiry of the current indenture, and future versions of that agreement;

And **WHEREAS** both the 1980 Lease and the 1991 Lease included provisions regulating the occupancy and use of the leased properties, and any future or successive agreements will continue to do so;

And **WHEREAS** the regulatory and enforcement provisions of the 1980 Lease and the 1991 Lease have been incorporated in this Bylaw to the extent practicable, and may be modified or changed from time-to-time as the Band deems necessary in order to manage its affairs;

NOW THEREFORE BE IT RESOLVED THAT THE BAND COUNCIL OF THE SAKIMAY FIRST NATIONS IN OPEN MEETING DULY ASSEMBLED ENACTS AS FOLLOWS:

Short Title:

1. This Bylaw may be cited as "Sakimay First Nations Environmental Standards Bylaw".

Interpretation:

2. In this Bylaw:
 - 1) A Person includes not only an individual, but a corporate body, unincorporated association, partnership, company, lessee, or owner as the particular case may be;
 - 2) A word described in the singular state has a corresponding meaning when used in the plural;
 - 3) Where the provisions of this Bylaw conflict with another, the more stringent standard shall prevail;
 - 4) Where a Court of Competent Jurisdiction determines any section, subsection, article, sentence, clause, or portion thereof of this Bylaw to be invalid, illegal, or ultra vires, all remaining portions shall remain in full force and in effect until repealed;
 - 5) This Bylaw includes schedules as intended which are declared to form part of the Bylaw.

Geographical Applicability:

1. This Bylaw is intended to apply to the properties situated within the Shesheep IR No. 74A and Sakimay IR No.74, duly surrendered to Her Majesty the Queen in Right of Canada for leasing purposes, subject to the Policies and Requirements of the Sakimay First Nations:
 - 1) Order in Council P. C. 3037, dated June 13, 1951, and registered in the Indian Lands Registry as x17165;
 - 2) Order in Council P.C.1962-956, dated July 11, 1962, and registered in the Indian Lands Registry as 2719-66;

- 3) Order in Council P.C. 1970-786, dated May 5, 1970, and registered in the Indian Lands Registry as 1438-17;
- 4) Order in Council P.C. 1989-1278, dated June 29, 1989, and registered in the Indian Lands Registry as 128287;
- 5) Order in Council P.C. 2000-1694, dated November 14, 2000, and registered in the Indian Lands Registry as 285139; and
- 6) Order in Council P.C. 2010-121, dated February 2, 2010, and registered in the Indian Lands Registry as 371408.

PART 1: DEFINITIONS

Definitions:

3. In this Bylaw:

- 1) "*Accessory Building*" shall mean a detached building, structure, or additional function, not used for human habitation, that is subordinate, customarily incidental, and exclusively devoted to the principal use, building, or structure located on the same Lot as the main building.
- 2) "*Access Road*" shall mean the corridor adjacent to each Property, open to the Public for the use of vehicular traffic, and maintained by The Band or its appointed designate, which is meant to provide Tenants, Occupants, Visitors and the general public with accessibility and connectivity to other Properties and Common Areas within the Subject Lands, and may refer to the physical road structure, or the land right-of-way designated for this purpose, as the case might be. Does not include a private right-of-way located fully within private property.
- 3) "*Building*" shall mean the principle structure in the property consisting of walls, a roof, floors, internal partitions, plumbing works, fixtures, and services constructed in accordance with the Building Code intended primarily for human occupancy.
- 4) "*Building Code*" shall mean the 2015 National Building Code of Canada, and includes all subsequent interpretations, addendums, revisions, and updated versions of the code.
- 5) "*Bylaw Enforcement Officer*" shall mean a person assigned by The Band or its appointed designate to uphold and enforce the Bylaws, rules, and regulations enacted to maintain minimum standards within the Subject Lands.

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- 6) "*Common Area*" shall mean portions of the Subject Lands that are not Properties leased to a specific Tenant, and remain under the direct administration of The Band or its appointed designate. Common area are thus available for all Tenants, Occupants, Visitors and the general public to access and enjoy as the case may be, and include Access Roads, parking lots, park spaces, shorelines, drainage areas, and natural areas, but exclude areas specifically designated as "No Trespassing" in accordance with Section 41 of Bylaw 2017-02.
- 7) "*Fence*" shall mean a barrier, trellis, or screening, other than vegetation, constructed of processed or natural materials, forming a boundary to enclose a Lot or part thereof, which is installed for decorative purposes, privacy, security, or separation.
- 8) "*Graffiti*" shall mean any drawing, inscription, symbol, image, writing, or marks that disfigure or deface any structure, equipment, or object.
- 9) "*Hazardous Material*" shall mean any product, mixture, material, or substance that is encompassed within one of the physical or health hazard classes defined within the Government of Saskatchewan *Hazardous Products Act*.
- 10) "*Indenture*" shall mean the formal lease agreement signed by the lessee and lessor.
- 11) "*Lot*" when used in the singular sense shall have the same definition as "*Property*".
- 12) "*Maintenance*" shall mean the preservation and upkeep of a property to counter environmental deterioration and wear-and-tear.
- 13) "*Minor*" shall mean a person that has not attained the age of eighteen (18) years, in accordance with the Government of Saskatchewan "*The Age of Majority Act*."
- 14) "*Motor Vehicle*" shall mean a transportation devise propelled by means other than muscular power, including vehicles, motorcycles, all-terrain vehicles, and snowmobiles, and for the purposes of this Bylaw also includes vehicles without motive power that are designed to be towed by another vehicle, including trailers and recreational vehicles.
- 15) "*Nuisance*" shall mean a condition or thing which adversely affects the health, welfare, wellbeing, enjoyment, or safety of neighbours, Band members, or the general public.

- 16) "*Occupant*" shall mean a person over the age of eighteen (18) years that is residing within a Building on a permanent or temporary basis, but is not the registered Tenant for the property. For the purposes of this Bylaw, an Occupant is deemed to be a competent adult legally responsible for their actions and for the actions of minors in their supervision.
- 17) "*Person*" shall include for the purposes of this Bylaw not only an individual, but a corporate body, unincorporated association, company, or other structured organization.
- 18) "*Property*" shall mean land, buildings, or both land and buildings for a particular Lot in question, as the case may be.
- 19) "*Recycling*" shall mean the process of collecting, sorting, and reusing materials that would otherwise be waste in a different way or purpose.
- 20) "*Structure*" shall mean an assembled three-dimensional combination of materials at a fixed location, requiring anchorage to the supporting ground or embedment within it, and includes buildings, accessory buildings, walls, decks, fences, tanks, pools, piers, poles, and towers, as the case may be.
- 21) "*Subject Lands*" shall mean all resort area properties to which this Bylaw is applicable.
- 22) "*Tenant*" shall mean all signatories to a particular Indenture residential/recreational lease agreement for a respective property located within the subject lands.
- 23) "*The Band*" shall mean the Sakimay First Nations, either authorized Administrative Representatives or Band Council itself, as defined within the Indian Act, as the case may be.
- 24) "*Visitor*" shall mean a person that is present anywhere within the Subject Lands in the company of, at the invitation of, or otherwise with the permission of a Tenant or Occupant. A person that is present on an individual lot for more than seven (7) consecutive calendar days is considered to be an Occupant, not a Visitor.
- 25) "*Watercraft*" shall mean every type of boat, ship, vessel, or craft designed for, used, or being capable of navigating on or through water.

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26) "Yard" shall mean the exterior portions of a Property that are outside the confines of a Building and/or Accessory Buildings, extending from the nearest exterior wall or face of the structure to the boundaries of the Lot.

PART 2: WATER AND SEWER REQUIREMENTS

Requirements for Potable Water:

4. Every developed Property containing an occupied Building shall be equipped with a supply of potable water.
5. A Property that is adjacent to a public water supply system that is provided and operated by The Band or its appointed designate must connect to that system at the Tenant's own cost, with the prior written consent of the Band or its appointed designate.
6. Every plumbing fixture within a Building shall be equipped with an adequate supply of hot and cold water.
7. No Tenant, Occupant, or Visitor shall waste potable water.
 - 1) No person shall irrigate lawns and outdoor plants during periods of rain.
 - 2) No person shall operate a decorative fountain within a Building or Yard without recycling any of the water used therein.
 - 3) No person shall allow a tap or hose to run indiscriminately with no purpose.
 - 4) The Band or its appointed designate may identify at its discretion other activities which constitute the waste of potable water.

Requirement to Utilize Sewage Disposal Systems:

8. All properties which are developed with Buildings must be furnished with a functional and effective sewage disposal system.
 - 1) A Property that is adjacent to a public sewage collection system which is provided and operated by The Band or its appointed designate must connect to that system at the Tenant's own cost, with the prior written consent of the Band or its appointed designate.
 - 2) If a public sewage disposal system is not available, a Tenant must provide a private sewage disposal system on the Property at their own cost of installation and Maintenance.

- 3) All private sewage works shall comply with the provisions of the Government of Saskatchewan *Public Health Act* and *The Private Sewage Works Regulations*.
 - 4) Unless connected to a public sewage disposal system, the sewage generated on a Property must be directed to a private sewage disposal system located on that Property, and cannot be directed or diverted to another Property.
 - 5) The Tenant is responsible for ensuring that the private sewage works has sufficient capacity to treat the volume of wastewater generated onsite.
 - 6) Should a public disposal system become available at a later date to a developed Property, a Tenant is required to connect to the system and decommission the onsite private sewage works, at their own expense.
9. No Person shall begin construction of a sewage system without a permit signed by the Health Canada Environmental Health Officer.
 10. Every occupied Building within a Developed Property is to have a supply of running water and be directly connected to a sewage disposal system.

Environmental Considerations for Sewage Disposal Systems

11. The Tenant is solely responsible for ensuring that a private sewage works is adequately maintained, is being operated within the design parameters of the system, and effectively treats the wastewater generated on the Property.
12. The Tenant is solely responsible for operating and maintaining the sewage works in a sanitary manner at their own expense.
13. Outhouses or outdoor disposals of human wastes are not permitted on any Property whether vacant or developed.
14. No Person shall place, deposit, broadcast, cause, or allow to be placed any human or animal excretion, including manure for horticultural purposes, on any Property.
15. No Tenant shall plant trees in close proximity to a private sewage works or related sewage works line such that the roots can be reasonably expected to damage or otherwise interfere with the system.
 - 1) Tenants shall remove trees from a Property where roots are found to be damaging or otherwise compromising a private sewage system.

- 2) No private sewage work shall be positioned on a Property in a position where trees from neighbouring properties or public spaces could reasonably expect to interfere with or damage the system.

Operation of Sewage Disposal Systems

16. No Person shall dispose of any harmful or deleterious substance in a sewer system, including but not limited to gasoline, diesel, paint, solvents, flammables, or chemicals.
17. No Person shall dispose of animal flesh, hides, bones, fats, blood, entrails, or manure or other types of malodorous substances capable of creating disease or a public Nuisance in a sewer system.
18. The land in the vicinity of a sewage disposal system shall be maintained in a condition that will not cause damage to the system or impair its functionality.
19. A private sewage works which is confirmed to be leaking is considered to have failed, and may not be used before being repaired.
 - 1) If there are reasonable grounds to suspect that the system is leaking or is otherwise functioning incorrectly, The Band or its appointed designate may require any Tenant to verify the integrity of a private sewage works located on the Property.
 - 2) The Tenant shall provide The Band or its appointed designate with evidence of any mitigating repairs made to a private sewage system required under this section.
20. Private sewage tanks must be emptied on an annual basis, by September 30th each year.
 - 1) Private sewage tanks may only be emptied by a commercial hauling operator and the Tenant must produce receipts upon request.
 - 2) Any commercial hauling operator providing services within the Subject Lands must be duly licensed by The Band or its appointed designate to conduct business within the Sakimay First Nations; all commercial haulers must possess a valid permit for the transportation and disposal of liquid domestic waste issued in accordance with the Saskatchewan *The Environmental Management and Protection Act, 2010*.

- 3) If the Band or its appointed designate establishes a Standing Offer Agreement with a commercial hauling operator for the provision of sewage removal services within the Subject lands, Tenants may not commission an alternate service provider for these services.

Decommissioning of Private Sewage Disposal Systems

21. All private sewage disposal systems shall be decommissioned in a manner consistent with applicable provincial regulations when no longer required.
22. No buried components of a private sewage system shall remain on a Property if the primary Building is removed and not promptly replaced with another.

PART 3: BUILDING RELATED ENVIRONMENTAL STANDARDS

Responsibility:

23. The Tenants of a respective Property located within the Subject Lands are ultimately responsible for all physical aspects of the Property, and for compliance with all property standards imposed herein under this Bylaw.
24. Notwithstanding Section 23, a Person who occupies a respective Property as an Occupant whom is not the registered Tenant remains responsible for ensuring their actions, conduct and residency habits are consistent with the standards imposed by this Bylaw.
25. Tenants and Occupants are responsible for the conduct, behaviour, and actions of any Visitors present in the Subject Lands in the same way that they are responsible for their own. For the purposes of this Bylaw, "Occupant" and "Visitor" shall be interchangeable as the case may be.
26. In Issuing a Contravention Order in accordance with Section 80, a Bylaw Enforcement Officer shall consider the party most responsible for a violation of the applicable provision, if the Occupant of the Property at the time of the offence is not the Registered Tenant, and issue the Contravention Order accordingly.
27. No Tenant shall cause or allow any Nuisance to occur.
 - 1) If said Nuisance is attributable to the actions of an Occupant, the Tenant is responsible for subsequently correcting the behavior and/or for removing the Occupant from the Property.

28. No Occupant or Visitor of a respective Property shall cause or allow any Nuisance to occur.

- 1) A Minor is not considered an Occupant or Visitor for the purposes of this Bylaw.
- 2) The Tenants or Occupants of a respective Property shall be fully responsible for the conduct and actions of all Minors residing on or visiting that Property.

29. No Building or Accessory Building shall be constructed in an area that has been classified as a flood plain, or is subject to frequent seasonal flooding.

Permit Requirements:

30. A Valid Demolition Permit issued by the Sakimay First Nation is required from The Band or its appointed designate before a Tenant removes any structure, dwelling, Building, or Accessory Building on the Property.

- 1) No Person shall remove any part of a Building or structure without a demolition permit.
- 2) Before demolishing a structure, the applicant for a Demolition Permit must provide proof that prior disposal arrangements have been made with a suitable waste reception facility possessing a valid and current Permit to Operate a Waste Disposal Ground or Permit to Operate a Transfer Station.
- 3) If a Tenant's lease payments are in arrears, The Band or its appointed designate may refuse to issue a building permit until such time that the account is in good standing.

Safety Provisions:

31. During demolition activities, all removal areas are to be fenced to prevent unauthorized access to the Property.
32. Removal areas shall be placarded with appropriate signage to advise passersby of the hazards present onsite.
33. When a Building, Accessory Building, Fence, or other Lot feature is demolished, the Property shall be cleared of all waste and other materials promptly.
34. The footprint of any demolished Building element shall be graded and levelled.

- 1) In areas of uneven or undulating topography, the footprint of a demolished Building element may be blended into adjacent slopes if levelling would substantially increase the amount of earthwork required to restore the site.

Hazardous Materials:

35. Hazardous Materials must be removed from a Property prior and during the demolition of any Building, Accessory Building, Fence, or other Lot feature.
36. Abatement of Hazardous Materials must be completed in accordance with The Government of Saskatchewan Occupational Health and Safety Regulations.
37. No Person shall dispose of Hazardous Materials within the Sakimay First Nations Solid Waste Disposal Grounds.

Recycling Provisions:

38. Materials that can be readily recycled during the demolition of any Building, Accessory Building, Fence, or other Lot feature shall be salvaged accordingly in advance of or during removal operations.
39. No Person shall dispose of Recyclable Materials within the Sakimay First Nations Solid Waste Disposal Grounds.

Garbage and Waste:

40. No Person shall bury garbage or solid waste on any Property or Common Areas.

Pollution and Chemicals:

41. No Person shall cause or allow the discharge or leakage of a polluting substance into the environment.
42. All preservatives and paints used in Building construction are to be environmentally friendly and certified by the United States Environmental Protection Agency (EPA), or a similar, nationally-recognized organization.
43. No Person shall store or otherwise keep any quantity of industrial chemicals or automotive fluids on the Property in an open, unsealable container, including motor oil, gasoline, brake fluid, or antifreeze.



- 1) No person shall keep any quantity of Hazardous Materials on the property in a manner which violates or is otherwise inconsistent with the Government of Saskatchewan *Hazardous Substances and Waste Dangerous Goods Regulations*.
44. A person shall promptly clean up any minor amount of chemicals spilled on the Property not exceeding reportable thresholds designated within the Government of Saskatchewan *Environmental Spill Control Regulations*, with an appropriate neutralizing agent and sorbent material.
45. No pesticides or fertilizers shall be applied to any Property unless environmentally certified by the United States Environmental Protection Agency (EPA), or a similar, nationally-recognized organization.

Fires and Burning:

46. The burning of garbage is not permitted anywhere within the Subject Lands on either Property or Common Areas.
47. The burning of leaves, grass, brush, or other Yard waste is not permitted anywhere within the Subject Lands on any Property or Common Areas.
48. No substances other than clean wood, charcoal briquettes, or commercially procured fire logs may be burned within indoor or outdoor fire places.
49. No fire may produce black smoke or offensive odors at any time.

Fuel Tanks:

50. No underground fuel tanks are allowed or permitted on any private properties within the Subject Lands.
51. Underground fuel tanks must be removed promptly, at the Tenant's own cost.
52. Geotechnical and environmental testing must be completed promptly, at the Tenant's own cost, to verify that the surrounding soils are free of hydrocarbon contaminants.
53. If testing confirms the presence of leaked hydrocarbons, all contamination must be formally abated through a remediation project, with clearance records submitted to The Band or its appointed designate.
54. Any new fuel tank to be installed by the Tenant within the Property requires a Building Permit from The Band or its appointed designate prior to proceeding with installation.

- 1) All new above ground fuel tanks must be double walled, placed on concrete supports, and feature secondary containment around the entire perimeter of the tank.

Environmental Considerations for Yard Use:

55. No Person shall allow the accumulation of grease or food materials in outdoor areas designated for cooking such that it becomes an attractant for animals, insects, or other pests, or causes offensive odours or Nuisances.
56. No Person shall import any plant invasive species onto the Property.
57. No Person shall permit a Motor Vehicle to run stationary anywhere within the Subject Lands for a period longer than twenty (20) consecutive minutes.

Illegal Activities:

58. No Person shall grow, manufacture or distribute illicit drugs, distilled spirits, or illegal substances on or within the Property.
59. No Person shall reside in a building that has housed the growing, manufacturing, or distribution of illicit drugs, distilled spirits, or illegal substances until the Property owner has verified that the structure is safe for human occupation.

PART 4: ENVIRONMENTAL STANDARDS FOR COMMON AREAS

Requirements to Preserve Public Spaces:

60. No Person is to place any vehicle, object, or rubbish in a Common Area except for specifically signed locations or receptacles clearly intended for this purpose.
61. No surplus earth materials, compost, or organic matter shall be placed in a Common Area.
62. No soil or ground is to be removed from a Common Area.
63. No Person shall alter the elevation, slope, or geology of a Common Area.
64. No Person is to cut, damage, or remove trees or vegetation in a Common Area, including the taking of such items for firewood.

65. No Person shall plant, transplant, seed, or otherwise alter the natural flora of a Common Area, without the explicit written permission of The Band or its appointed designate.

66. No Person shall operate a Watercraft in a way that fouls or physically damages waterways, shorelines, or Common Areas.

Requirements to Preserve the Environment:

67. No hunting or trapping of animals is permitted anywhere within the Subject Lands.

1) This provision does not apply to zones specifically established for Band Members only to practice traditional and spiritual land uses.

68. Recreational activities occurring within common, natural, and lakeside areas may not damage the grounds, flora, or fauna.

69. No Person shall pollute, befoul or otherwise introduce any contaminant, chemical, or artificial substance into any water body or drainage course within the Subject Lands.

70. No Person shall dispose of or otherwise place any chemical, hydrocarbon, or synthetic substance in a storm drain, drainage channel, or water body.

71. No Person shall expectorate, urinate, or defecate in any common property or public place, except in a facility specifically provided for this purpose.

72. No Person shall create or apply Graffiti on any Common Area, public property, or private property surface that falls within public view.

Property Encroachment:

73. No Building, Accessory Building, Fence, other Lot feature or amenity shall extend beyond the perimeter of a Property into a Common Area, Access Road, or neighbouring property.

Use of Motor Vehicles in Subject Lands:

74. Any person operating a Motor Vehicle within the Subject Lands must hold a current driver's licence valid in a Canadian jurisdiction, or an internationally issued license recognized as having equivalency by Saskatchewan Government Insurance.

75. No Person shall place anything other than a Motor Vehicle in an Access Road.

76. Motor Vehicles may not be parked in Access Roads for more than twenty-four (24) consecutive hours.

- 1) Vehicles may not be parked in any Access Road that is specifically signed and designated as "no parking".
- 2) Vehicles may not be parked in any Access Road in a manner that blocks the driveway or access to another Property or public space.
- 3) Large vehicles may not be parked in any location which inhibits the visibility of motorists or adversely affects the abilities of other users to navigate Access Roads safely.

77. No motor vehicle or recreational vehicle shall be operated in any area that is not an Access Road, unless specifically designated for this purpose and signed accordingly.

PART 5: ENFORCEMENT OF BYLAWS

Applicable Laws and Regulations

78. The Federal and Provincial laws and regulations related to the environment, waters, fish and wildlife shall be used where applicable.

Administrative Representative

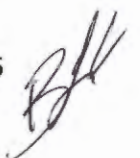
79. The Sakimay First Nation may designate an official to administer and enforce provisions of Bylaws.

- 1) The Bylaw Enforcement Officer shall have the right of entry to all properties within the Subject Lands for inspection and enforcement purposes.
- 2) Tenant shall indemnify and hold harmless The Band, its appointed designate, the administrator, the Bylaw Enforcement Officer, or other employee from all losses, costs, claims or damages which arise from the course of completing their duties under the authority of this Bylaw.

Contravention Order

80. An observed violation of this Bylaw may be followed by a formal written Contravention Order issued by the Bylaw Enforcement Officer or their Designated Representative.

- 1) The Contravention Order must be issued to a specific individual in the occurrence of a personal violation.



- 2) Where a property violation is involved, the Contravention Order must be issued jointly to all registered Tenants of that property, whether individuals or corporations.
- 3) Every Contravention Order must contain the date and time that it is issued.
- 4) Every Contravention Order must identify the specific provision of the bylaw that has been contravened, and a detailed description of the violation.
- 5) Every Contravention Order must identify the remedial action required to mitigate the violation, along with the deadline for when these actions must be completed.
- 6) Fines and penalties will be accumulated on a property's annual lease costs where applicable.
- 7) Contravention Orders must be served directly to a Person at the time of offence in the occurrence of a personal violation, or delivered by registered mail jointly to all registered Tenants of the property in the occurrence of a property offence.
- 8) Failing to comply with the instructions contained within a Contravention Order is a separate punishable offence.

PART 6: PENALTIES

Penalties

81. Any Person convicted of an offence pursuant to this Bylaw is liable on summary conviction to a fine as listed in *Schedule I*, upon a first offence.
 - 1) In default of a payment of fine imposed, a period of imprisonment may be imposed for a term not exceeding six (6) months.
 - 2) Each subsequent offence of the same nature to the same individual shall generate a fine double that levied for the first offence.
82. Any penalty contained in either the 1980 Lease or the 1991 Lease, any successor agreements upon expiry of the current indenture, and future versions of those agreements may be imposed, as applicable to the specific Property subject to the Contravention Order.

83. Any enforcement mechanism contained in either the 1980 Lease or the 1991 Lease, any successor agreements upon expiry of the current indenture, and future versions of those agreements may also be utilized, as applicable to the specific Property subject to the Contravention Order.
84. Any Person who does not pay the fine voluntarily may be subject to a summons before a magistrate for enforcement of the fine, plus recovery of all costs incurred by the Sakimay First Nations or its Appointed Designate while pursuing enforcement actions.
85. The conviction of a Person for a contravention of any portion of this Bylaw does not relieve the Person of their duty to comply with it, and the convicting magistrate shall, in addition to the fine and expenses imposed, order the Person, within a specified period, to remedy the contravention of the Bylaw.

Appeals Process

86. Any Person receiving a Summary Offence Ticket for an alleged contravention of a Bylaw Provision has, as an alternative to remitting the specified amount of the fine to the Sakimay First Nation, the right to:
 - 1) Request a reduction of the ticketed amount; or
 - 2) Dispute the validity of the ticket by:
 - i. Demonstrating the alleged offence did not occur;
 - ii. Demonstrating that the alleged offence was a result of extenuating circumstances beyond the control of the offender, as corroborated by 3rd Party Witnesses, thereby reducing the Person's culpability in the matter.
87. Any Person seeking fine relief or wishing to dispute a Summary Offence Ticket must return a suitable marked copy of it to the Sakimay First Nation or its appointed designate within seven (7) calendar days of the ticket date, accompanied with the fully completed Appeal Form describing the reasons for the appeal.
88. Upon receiving a complete Appeal Form, the Sakimay First Nation or its appointed designate shall, within seven (7) calendar days, assign an Adjudicator to review the circumstances of the incident, examine available evidence, and collect additional details and documentation to an extent deemed necessary to make an impartial ruling on the matter.



- 3) The Sakimay First Nations or its appointed designate may waive the requirement to appoint an Adjudicator if the Alleged Offender's sole grounds for appeal is for reduction of the fine amount, and the circumstances of the incident or culpability of the offender are not in dispute.
 - i. The Band may uphold the original amount of the fine, or reduce it to any sum deemed appropriate for the situation, at its discretion.
 - 4) The Adjudicator shall be impartial in the matter at hand, possessing no prior involvement with the incident(s) and having no family relation, business association, or personal connections to either the Offender or Bylaw Enforcement Officer.
 - 5) The Adjudicator so appointed shall possess prior relevant work experience related to the Saskatchewan Judicial System.
 - 6) The Adjudicator may host an informal hearing where both the Alleged Offender and Bylaw Enforcement Officer have the opportunity to speak to the circumstances of the event, present evidence, and call witnesses.
 - i. All parties participating in an Adjudication hearing shall conduct themselves respectful, courteous, and efficient manner, and within the hearing the Adjudicator shall have the full authority to preside over the proceedings, maintain orderly and constructive dialogue, and remove any person deemed noxious, offensive, or unconstructive to the process.
 - 7) The Adjudicator's written decision shall not be binding on either the Offender or Sakimay First Nation or appointed designate, should either party wish to pursue the matter further within a Court of Law having legal jurisdiction.
 - i. The Adjudicator's written decision shall be provided within thirty (30) calendar days following the receipt of the Appeal Form.
89. In circumstances where the Adjudicator deems the offender's appeal has been vexatious, the cost of the appeal shall be remitted by the applicant. Otherwise, the cost of the appeal shall be remitted by the Sakimay First Nations, or its appointed designate.

PART 7: COMING INTO FORCE

Coming Into Force

90. This Bylaw shall come into force and take effect ninety (90) days from the day on which it is passed by The Band Council.

PART 8: AMENDMENT PROCESS

91. This bylaw may be amended by Chief and Council in the following manner:

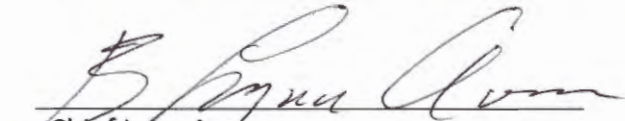
- 1) A recommendation from a band member, supporting or requesting the amendment.
- 2) Where the proposed amendment is substantial in nature, it may be referred to a community meeting for input.
- 3) Where an amendment is technical in nature or where urgent or following community input may be enacted by a written Resolution of Chief and Council.
- 4) A written Resolution of Chief and Council amending this bylaw shall be filed with the Sakimay lands department.

Notice of Amendment

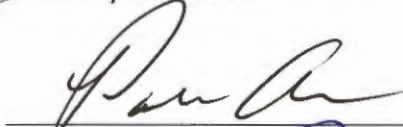
92. A notice of amendments shall be publicly posted and such reasonable efforts as the band deems necessary will be undertaken to provide notice to individuals off reserve.

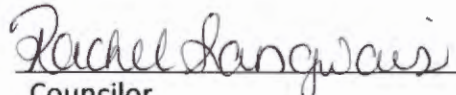
BE IT KNOWN that this bylaw entitled "Environmental Standards Bylaw" is hereby read for the first, second, and third and final time and is hereby enacted as bylaw 2017-03 by the council of Sakimay First Nations at a duly convened meeting of Council held on the 30 day of August, 2017.

Voting in favour of the bylaw are the following members of council:



Chief Lynn Acoose


Councilor


Councilor


Councilor


Councilor


Councilor

Being the majority of those members of Council of Sakimay First Nations present at the aforesaid meeting of Council.