

Prophet River First Nation Nuisance and Disorderly Conduct By-law

WHEREAS the Band Council of Prophet River First Nation wishes to establish a by-law concerning nuisances and disorderly conduct on the Reserve;

AND WHEREAS section 81 of the *Indian Act*, R.S.C. 1985, c. I-5 empowers the council of a band to enact by-laws in respect of matters local in nature to a reserve;

THEREFORE the Band Council of Prophet River First Nation makes the following by-law:

PART 1 – GENERAL

SHORT TITLE

1. This by-law may be cited as "Prophet River First Nation Nuisance and Disorderly Conduct By-law".

INTERPRETATION

2. In this by-law, the following definitions apply:
 - (a) "**Band Council**" means the elected Chief and Council of Prophet River First Nation.
 - (b) "**By-Law Enforcement Officer**" means an individual appointed pursuant to section 4, or any By-Law Enforcement Officer, including a police officer or a person employed by the Band Council, for the purpose of enforcing the provisions of this by-law.
 - (c) "**Reserve**" means Prophet River First Nation I.R. 4.

APPLICATION

3. This by-law applies to all persons residing on or visiting the Reserve.

PART II – ADMINISTRATION

BY-LAW ENFORCEMENT OFFICER

4. The Band Council may appoint a By-Law Enforcement Officer to provide for the administration and enforcement of this by-law.

NUISANCE

5. Every person commits a nuisance who:
- (a) dumps appliances or furniture or parts thereof, tires or parts of cars, garbage or refuse anywhere on the Reserve;
 - (b) burns garbage or refuse or discharges into the air or water any substance that materially impairs the ability of another person to enjoy their property, or which poses a risk to the health and safety of the community;
 - (c) produces noise which materially impairs the ability of another person to enjoy their property, or which poses a risk to the health and safety of the community; or
 - (d) fails to fence off, or otherwise enclose, any object which, if left exposed, could pose a risk to the health and safety of the community.

DISORDERLY CONDUCT

6. Every person participates in disorderly conduct who engages in the following acts or behavior:
- (a) fighting;
 - (b) making or causing unreasonable noise;
 - (c) using abusive language;
 - (d) using offensive or indecent gestures or displays;
 - (e) being drunk;
 - (f) loitering; or
 - (g) interfering with the orderly conduct of administrative, commercial educational, recreational, health care, cultural, spiritual, religious or ceremonial activities on the Reserve

in a manner that disrupts public order on the Reserve, scandalizes the community, or causes public inconvenience, annoyance, or alarm.

ENFORCEMENT

7. The By-Law Enforcement Officer may order any person who commits an offence under this by-law to refrain from the offensive conduct or to remedy the offensive situation within a reasonable period of time.
8. If a person fails to comply with an order under section 7, the By-Law Enforcement Officer may take reasonable steps to stop, prevent, or abate the offence. That person will be

liable for the costs incurred by the By-Law Enforcement Officer to stop, prevent, or abate the offence.

PENALTY

9. Every person who contravenes any provision of this by-law is guilty of an offence and is liable on summary conviction to a fine of not more than \$1,000.

AMENDMENT


10. The Band Council must follow the following procedures in amending or repealing this by-law:
- (a) The Band Council must present the amendment or proposal to repeal for discussion at a band general meeting.
 - (b) The Band Council must provide at least fifteen (15) days notice to members prior to the band general meeting referred to in section 10(a). Such notice must indicate the nature of the by-law being discussed.
 - (c) The Band Council must allow any member or person who may possibly be affected by the proposed by-law to present written or oral comments at the band general meeting required by section 10(a). The Band Council may, however, set reasonable restrictions on the amount of time allowed for such comments.

This by-law is hereby made at a duly convened meeting of the Band Council of Prophet River First Nation this 17 day of December, 2019, at Fort St. John, B.C.

QUORUM: (two) 2 members of Council



Chief Kirk Tsakoza



Councillor Jacqueline Reno



Councillor Beverly Stager