

Prophet River First Nation Fence By-law

WHEREAS the Band Council of Prophet River First Nation wishes to establish a by-law concerning the building and maintenance of Fences 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 Fence 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) “**Fence**” means a barrier, including one for noise attenuation, or any structure, except a structural part of a building, that wholly or partially screens from view, encloses or divides a yard or other land, or marks or substantially marks the boundary between adjoining land, and includes any hedge or shrub that has the same effect.
 - (d) “**Parcel of Land**” means any lot, block, manufactured home pad or other area located on the Reserve which has been designated by Prophet River First Nation to a Registered Holder.
 - (e) “**Registered Holder**” means a person who is registered by Prophet River First Nation as a holder of interest in a Parcel of Land.
 - (f) “**Reserve**” means Prophet River First Nation I.R. 4.

APPLICATION

3. This by-law applies to all Registered Holders of a Parcel of Land.

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.

FENCE RESTRICTIONS

5. No barbed wire, chicken wire, or other sharp material shall be used in any Fence located on a Parcel of Land.
6. A Fence may only be erected around the perimeter of a Parcel of Land and may not encroach on any land that is not attributed to the Registered Holder.

MAINTENANCE

7. The Registered Holder of a Parcel of Land shall ensure that any Fence located on their Parcel of Land is properly maintained and does not fall into a state of disrepair.

ENFORCEMENT

8. The By-Law Enforcement Officer may enter at all reasonable times upon any Parcel of Land within the Reserve that is subject to this by-law in order to ascertain whether this by-law is being complied with.
9. If the By-Law Enforcement Officer determines that any Parcel of Land within the Reserve contravenes any provisions of this by-law, the By-Law Enforcement Officer will immediately give notice in writing of that contravention and require the Registered Holder of the Parcel of Land to comply with the requirements of this by-law within ten (10) days of receipt of the notice.
10. Any written notice given under the above section is deemed to be validly given if either delivered personally or mailed by regular mail addressed to the Registered Holder of the Parcel of Land and posted in a reasonably visible location on the Parcel of Land.
11. If after the expiry of ten (10) days from the date of notice given pursuant to section 9, the Registered Holder of a Parcel of Land has failed to comply with the requirements of the notice, the By-Law Enforcement Officer may enter upon the Parcel of Land and carry out the work required at the expense of the Registered Holder.

PENALTY


12. 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

13. 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 13(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 13(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