Of the Tl'azt'en Nation Band A By-law for the Regulation

WHEREAS the Council of the Tl'azt'en Nation Band desires to make a by-law governing the regulation.

AND WHEREAS the Council of the Tl'azt'en Nation Band is empowered to make such by-law pursuant to paragraphs 81(1)(a)(c)(d), (q) and (r) of the Indian Act;

NOW THEREFORE the Council of Tl'azt'en Nation Band hereby makes the following by-law:

Short Title

1. This by-law may be cited as the "Nuisances By-law".

Interpretation

2. In this by-law,

"Band" means the Tl'azt'en Nation Band;

"Council" means the Council of the Tl'azt'en Nation Band,

"Nuisance" means any act, activity or condition, including

- (a) the abandonment of cars, household appliances or furniture, or parts of cars, household appliances or furniture;
- (b) the storage of abandoned cars, household appliances or furniture, or parts of cars, household appliances or furniture;
- (c) the dumping or storage of tires, garbage or other refuses;
- (d) the burning of tires, grass, garbage, leaves or other refuse;
- (e) the discharge of any substance into the air or water,
- and (f) noise:

That materially impairs, otherwise than by direct physical interference, the use and enjoyment of a person's property, or that prejudicially affects a person's health, comfort or convenience or the public health, safety or welfare of the reserve community, but does not include any act, activity or condition to the extent it is unavoidably necessary for carrying on any business or other means of livelihood authorized by the Council;

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

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"Person" includes a corporation;

"Reserve" means the reserve of the Tl'azt'en Nation Band and includes the Band's Reserves No.1, 2, 5, & 9.

Nuisance

- 3. (1) Every one who creates or causes a nuisance is guilty of an offence.
- (2) An officer may order any person who is causing or who threatens to a cause a nuisance within such period as is reasonable in the circumstances.
- (3) In determining whether a period fixed under subsection (2) was reasonable in the circumstances, the officer shall take into account.
- (a) the nature and extent if the nuisance;
- (b) the methods available to abate the nuisance;
- (c) the appropriate time required to abate the nuisance; and
- (d) the effect of the order on any business or means of livelihood of the person who is the subject of an order.

Enforcement

- 4. (1) Where a person who has been ordered to refrain from causing a muisance or to abate a muisance within a specified period, fails or refuses to comply with the order, an officer may take such reasonable measures as are necessary to prevent or to abate the muisance.
- (2) A person who fails pr refuses to comply with an order made under subsection 3(2) or who resists or interferes with an officer acting under subsection 4(1), commits an offence.

Penalty

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5. A person who commits an offence under this by-law is liable on summary conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding thirty days, or to both.

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	THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Band thisday of, 19						
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