



Skwah First Nation

Phone: 604.792.9204

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P.O. Box 178

Chilliwack, BC, V2P 6H7

BY-LAW NO. 2013.1

Of the Skwah First Nation

A By-law for the Prevention of Nuisances

WHEREAS the Council of Skwah First Nation desires to make a by-law governing the prevention of nuisances, with respect to any matter arising out of or ancillary to the exercise of the powers under section 81, and for the imposition of a penalty for a violation thereof;

AND WHEREAS the Council of Skwah First Nation is empowered to make such a by-law pursuant to paragraphs 81(1)(d)(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 Skwah First Nation Reserve to provide for the prevention of nuisances on the reserve;

NOW THEREFORE the Council of Skwah First Nation 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 Band;

"Council" means the Council of the 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 dumping or storage of tires, garbage or other refuse on public property;
- c. The burning of tires, grass, garbage or other refuse without permit;
- d. The discharge of any noxious substance into the air or water;

e. 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, any ceremonial act, or other means of livelihood authorized by Council;

"Officer" means any police officer, police constable, or other person charged with the duty to preserve and maintain the public peace;

"Permit" means permit available to be applied for at Band Office;

"Person" includes a corporation;

"Public Property" means and includes any building, bridge, park or the facilities and equipment located therein, and any land, body of water, structure, premises or equipment of whatsoever nature belonging to the Skwah First Nation or maintained by the Council or any of its staff or committees on behalf of the Band members of Skwah First Nation;

"Reserve" means the reserve of the Skwah First Nation Band and includes the Band's Reserves No.1,2,3 and 4.

Nuisance

3.(1) Everyone 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 cause a nuisance on the reserve to refrain from causing the nuisance or to abate the 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 of the nuisance;
- b. The methods available to abate the nuisance;
- c. The approximate 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 nuisance or to abate a nuisance 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 nuisance.

(2) A person who fails or refuses to comply with an order made under subsection 3(2) or who resists or interferes with an officer acting under the subsection 4(1), commits an offence.

Penalty

5. 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.

6. The Chief and Council reserve the right to revisit this issue and amend the by-law at a regularly convened Chief and Council meeting of Skwah First Nation.

This by-law is hereby made at a duly convened meeting of the Council of Skwah First Nation on this 10th day of January, 2013.

The quorum of the Council is three (3) members.

Chief: Robert Combes

Councilor: _____

Councilor: Dean Williams

Councilor: John Smith

Councilor: Robert Williams

I, Robert Combes, Chief of Skwah First Nation, do hereby certify that a true copy of the foregoing by-law was mailed to the Minister of Aboriginal Affairs and Northern Development Canada pursuant to subsection 82(1) of the Indian Act, this 10th day of January, 2013.

Jay Oberst
Witness

Robert Combes
Chief



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APPLICATION FOR PERMIT TO BURN

Details of Applicant

Name _____

Address _____

Home _____ Cell _____

Phone _____ Phone: _____

Details of Burning

Location _____

Date _____ Time _____

Length of time of burn _____

Material to be burned _____

Reason for burn: _____

Subject to the following conditions:

- That an adult person be responsible for the fire and be in attendance until the fire is completely extinguished
- A means of controlling the fire is on site
- The permit obtained is valid only for the date specified on the permit
- Permits obtained for fire must be kept on the site of the burning
- Excessive complaints from community members will result in termination of the permit

I, _____ agree to the above conditions and will abide by them.

Signature _____

Date _____



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PERMIT TO BURN

Subject to the following conditions, _____ has been given permission to burn by Chief and Council.

Conditions:

- The burn takes place at _____
- The burn is held on _____ from _____ to _____
- The following materials are burned: _____
- An adult person is responsible for the fire and is in attendance until the fire is completely extinguished
- A means of controlling the fire is onsite
- This permit is valid only for the above stated date and time
- This permit is kept on the site of the burning
- Excessive complaints from community members will result in termination of the permit

Signed by at least three (3) members of Council to be valid.

Date: _____



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APPLICATION FOR 3 MONTH PERMIT TO BURN

Details of Applicant

Name _____

Address _____

Home Phone _____ Cell Phone: _____

Details of Burning

Location _____

Start Date _____ Finish Date _____

Materials to be burned _____

Reason for burn _____

Subject to the following conditions:

- That an adult person be responsible for the fire and be in attendance until the fire is completely extinguished
- A means of controlling the fire is on site
- The permit obtained is valid only for the months specified
- Permits obtained for fire must be kept on the site of the burning
- Excessive complaints from community members will result in termination of the permit
- No tires, wires, or plastics will be burned

I, _____ agree to the above conditions and will abide by them.

Signature

Date



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3 MONTH PERMIT TO BURN

Subject to the following conditions, _____ has been given permission to burn by Chief and Council.

Conditions:

- This permit is valid from _____ to _____
- The burn takes place at _____
- No tires, wires, or plastics are burned
- An adult person is responsible for the fire and is in attendance until the fire is completely extinguished
- A means of controlling the fire is onsite
- This permit is kept on the site of the burning
- Excessive complaints from community members will result in termination of the permit

Signed by at least three (3) members of Council to be valid.

Date: _____