



Skwah First Nation

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BY-LAW NO. 2013.2

Of the Skwah First Nation

A By-law for the Prevention of Disorderly Conduct

WHEREAS the Council of Skwah First Nation desires to make a by-law governing the prevention of disorderly conduct, with respect to any matter arising out of or ancillary to the exercise of 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 by-law pursuant to paragraphs 81(1), (c), (d), (q), and (r) of the *Indian Act*;

AND WHEREAS sections 81(2) and 81(3) of the *Indian Act* provide for the prevention of, and the restraining of, the continuation of any contravention of any bylaw of a Band;

AND WHEREAS it is considered to be expedient and necessary for the benefit, comfort and safety of the inhabitants of Skwah First Nation to provide for the prevention of disorderly conduct on the reserve;

NOW THEREFORE the Council of Skwah First Nation hereby makes the following by-law;

Short Title

1. This by-law may be cited as the "Disorderly Conduct by-Law"

Interpretation

2. In this by-law,

"Band" means the Skwah First Nation;

"Band Member" means any treaty Indian registered as a member of Skwah First Nation in accordance with the Registrar of Indian Status and membership which is prescribed by Treaty

and maintained by the Crown as represented by the Government of Canada and/or as may be established and maintained by Skwah First Nations from time to time;

"Council" means the Council of Skwah First Nation;

"Disorderly conduct" means any act or behaviour including

- a) Fighting;
- b) Making or causing unreasonable noise;
- c) Using abusive language;
- d) Making offensive or indecent gestures or displays;
- e) Being drunk on public property;
- f) Loitering;
- g) Exposing, firing or discharging any gun, pistol or other firearm, or using or threatening to use any other article as a weapon on public property; or
- h) Interfering in any manner with the orderly conduct of commercial, administrative, educational, recreational, health care, religious or ceremonial activities on the reserve,

That disrupts public order on the reserve, scandalizes the community, or causes public inconvenience, annoyance or alarm;

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

"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 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 Skwah First Nation No. 1,2,3 and 4.

Disorderly Conduct

- 3.(1) Everyone who commits an act of disorderly conduct is guilty of an offence.
- (2) No person shall remove, deface, destroy, damage, mutilate, or in any manner whatsoever vandalize public property on the reserve or attempt to vandalize such property.

- (3) No person shall willfully interrupt, or disquiet by profane discourse, by rude or indecent behaviour, by the making of noise or noises, or in any manner whatsoever disturb the order or solemnity of:
- i. Any meeting of Council;
 - ii. Any religious festival;
 - iii. Any assemblage of Indians met for the consideration and interest of matters of public interest, or
 - iv. Any assemblage on the reserve held for lawful purpose.
- (4) No person shall expectorate on the floor or any other part of a public building or property.
- (5) An office may order any person who is engaging in any disorderly conduct to stop such conduct immediately.

Enforcement

- 4.(1) Where a person who has been ordered to stop engaging in disorderly conduct, fails or refuses to comply with the order, an officer may take such reasonable measures as are necessary to stop the disorderly conduct
- (2) A person who fails or refuses to comply with an order made under subsection 3, or who resists or interferes with an officer acting under subsection 4(1), commits an offence.
- (3) Where under section 81(2) of the *Indian Act*, this bylaw is contravened and a conviction entered, a court of competent jurisdiction may make an order prohibiting the continuation or repetition of the offence by the person convicted.
- (4) Where under section 81(3) of the *Indian Act*, this by-law is contravened; such contravention may be restrained by court action to prevent the continuation of disorderly conduct within Skwah First Nation.

Penalty

5. A person who commits an offence under this by-law is liable on summary conviction to a fine no exceeding \$1,000.00 or to imprisonment for a term no exceeding 30 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 this 10th of January, 2013.

Quorum of the Council is three (3) members.

Chief: Robert Combes

Councilor: _____

Councilor: Dean Williams

Councilor: Don Marshall

Councilor: Leslie McLean

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.

Larry Oberst
Witness

Robert Combes
Chief