

E 4916-560  
T. Howe



Indian and Northern Affairs Canada

Affaires Indiennes et du Nord Canada

Indian and Inuit Affairs

Affaires Indiennes et Inuit

BAND COUNCIL RESOLUTION  
RÉSOLUTION DE CONSEIL DE BANDE

Chronological No. - Numéro consécutif

1029

File Reference - N° de réf. du dossier

✓ E 4916-560 FA

NOTE: The words "From our Band Funds" "Capital" or "Revenue", which ever is the case, must appear in all resolutions requesting expenditures from Band Funds.  
NOTA: Les mots "des fonds de notre bande" "Capital" ou "revenu" selon le cas doivent paraître dans toutes les résolutions portant sur des dépenses à même les fonds des bandes.

THE COUNCIL OF THE LE CONSEIL DE LA BANDE INDIENNE	Kwayhquitlum First Nation	Current Capital Balance Solde de capital	\$ _____
AGENCY DISTRICT	Vancouver	Committed - Engagé	\$ _____
PROVINCE	British Columbia	Current Revenue Balance Solde de revenu	\$ _____
PLACE NOM DE L'ENDROI.	Kwayhquitlum	Committed - Engagé	\$ _____
DATE	09 DAY - JOUR JUNE MONTH - MOIS AD 19 . 98 YEAR - ANNEE		

DO HEREBY RESOLVE:  
DECIDE, PAR LES PRÉSENTES:

At a duly convened meeting of the Kwayhquitlum Chief and Council held June 9, 1998 be it resolved that:

The Council wishes to implement by-laws for the well being and best interests of the Kwayhquitlum First Nation and its members,

It is further resolved that:

The Council wishes the Department of Indian and Northern Affairs to certify and register the by-law attached:

By-law #102: A By-law for the prevention of disorderly conduct and nuisances.

6740  
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A quorum for this Band  
Pour cette bande le quorum est  
consists of  
Il est  
Council Members  
Membres du Conseil

*Edward Hall*  
(Councillor - conseiller)

*Ben Swartz*  
(Councillor - conseiller)

*A. Caruth*  
(Councillor - conseiller)

*Mac Joe*  
(Chief - Chef)

*Fred Walker*  
(Councillor - conseiller)

.....  
(Councillor - conseiller)

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(Councillor - conseiller)

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(Councillor - conseiller)

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(Councillor - conseiller)

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(Councillor - conseiller)

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(Councillor - conseiller)

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(Councillor - conseiller)

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(Councillor - conseiller)

FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE					
1. Band Fund Code Code du compte de bande	2. COMPUTER BALANCES - SOLDES D'ORDINATEUR		3. Expenditure Dépense	4. Authority - Autorité Indian Act Sec Art. de la Loi sur les Indiens	5. Source of Funds Source des fonds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue
	A. Capital	B. Revenue - Revenu			
\$	\$	\$			
4. Recommended - Recommandable			Approved - Approuvable		
Date Recommending Officer - Recommandé par			Date Approving Officer - Approuvé par		

**DRAFT**Kwayhquitlum First NationBy-law Number:102  
of Kwayhquitlum First NationBEING A BY-LAW FOR THE PREVENTION OF  
DISORDERLY CONDUCT AND NUISANCES

WHEREAS the Council of the Kwayhquitlum First Nation desires to make a by-law governing the prevention of disorderly conduct and nuisances, 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 Kwayhquitlum First Nation is empowered to make such 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 Kwayhquitlum First Nation to provide for the prevention of disorderly conduct and nuisances on the reserve;

NOW THEREFORE the Council of Kwayhquitlum First Nation hereby makes the following by-law:

Short Title

1. This by-law may be cited as the "Kwayhquitlum First Nation Disorderly Conduct and Nuisances By-law".

Interpretation

2. In this by-law,

'Band' means the Kwayhquitlum First Nation Band;

'Council' means the Council of the Kwayhquitlum First Nation Band;

"Disor-deriy conduct means any act or behavior, including;

-2-

- (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;
- (g) exposing, firing or discharging any gun, pistol or other firearm, or using or threatening to use any other article as a weapon; 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;

"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 refuse;
- (d) the burning of tires, grass, garbage, leaves or other refuse;
- (e) the discharge of any substance into the air or water;
- (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 person charged with the duty to preserve and maintain the public peace, and by-law officer or any other person appointed by the Council for the purpose of maintaining law and order on the reserve;

"Person" includes a corporation;

"Reserve" means the reserve of the Kwauhquitlum First Nation Band and includes the Band's Reserve Numbers 1 and 2.

#### Disorderly Conduct

3. (I) Everyone who commits an act of disorderly conduct is guilty of an offense.

-3-

- (2) An officer may order any person who is engaging in any disorderly conduct to stop such conduct immediately.

#### Nuisance

4(1) Every one who creates or causes a nuisance is guilty of an offense.

- (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

- 5(i) Where a person who has been ordered to stop engaging in disorderly conduct, or 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 stop the disorderly conduct, or 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 subsection 4(2), or who resists or interferes with an officer acting under subsection 3(2) or subsection 5(1), commits an offense.

#### Penalty

6. A person who commits an offense 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.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Kwayhquitlum First Nation Band this \_\_\_\_\_ day of \_\_\_\_\_ 1998.

Voting in favour of the by-law are the following members of the Council:

Manfa  
Chief Member of the Council

Fred Hubbert  
Member of the Council

Member of the Council

Member of the Council

Member of the Council

being the majority of those members of the Council of the Kwayhquitlum First Nation Band present at the aforesaid meeting of the Council

Lon Johnson  
Cory Miller  
Blair Jay  
George McChaffee  
Laraine Grant  
Diane Anderson  
John [unclear]  
Mike [unclear]  
Sally [unclear]

Kenneth [unclear]  
Laura Williams  
Fred Hubbert  
Manfa