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BY-LAW NO. 1999.01
of the Fort Folly First Nation
A By-law for the Prevention of
Disorderly Conduct

WHEREAS the Council of Fort Folly Band 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 Fort Folly Band 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 X Reserve to provide for the prevention of disorderly conduct on the reserve;

NOW THEREFORE the Council of Fort Folly Band 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 Fort Folly Band;

"*Council*" means the Council of the Fort Folly Band;

"*Disorderly conduct*" means any act or behaviour, including

- (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;

"*Officer*" means any police officer, police constable or other person 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;

"*Person*" includes a corporation;

"*Reserve*" means the reserve of the Fort Folly Band and includes the Band's Reserves No. __ and No. __.

Disorderly Conduct

- 3.(1) Every one who commits an act of disorderly conduct is guilty of an offence.
- (2) An officer may order any person who is engaging in any disorderly conduct to stop such conduct immediately.

Enforcement

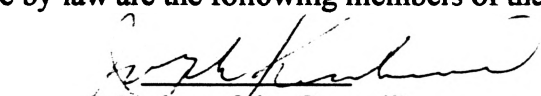
- 4.(1) Where a person who has been ordered to stop engaging in disorderly conduct, fails or refuses to comply with the order, an officer may take such reasonable measures as are necessary to stop the disorderly conduct.
- (2) A person who fails or refuses to comply with an order made under subsection 3(2), or who resists or interferes with an officer acting under subsection 4(1), commits an offence.

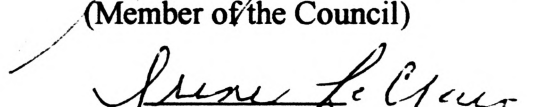
Penalty

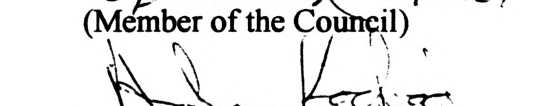
5. A person who commits an offence under this by-law is liable on summary conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding thirty days, or to both.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Fort Folly Band this 25 day of June, 1999

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


 (Member of the Council)


 (Member of the Council)

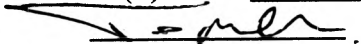

 (Member of the Council)

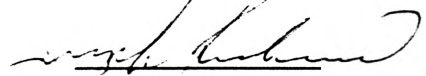
being the majority of those members of the Council of the Fort Folly Band present at the aforesaid meeting of the Council.

The quorum of the Council is 2 members.

Number of members of the Council present at the meeting: 3.

I, Joseph Knockwood, Chief of the Band, do hereby certify that a true copy of the foregoing by-law was mailed to the Minister of Indian Affairs and Northern Development at the Regional office (as the case may be) pursuant to subsection 82(1) of the Indian Act, this 27 day of 6 1999.


(Witness)


(Chief/Councillor)

NOTES
Section 2

It should be noted that there are provisions in the Criminal Code dealing with disorderly conduct (sections 173 - 179). Therefore, an act which is considered to be a disorderly conduct could fall within either the sample by-law or the Criminal Code or both, depending on the circumstances of the act. In the latter case, it will be left to the discretion of the enforcement officer to lay a charge under either the Criminal Code or the by-law.

Sections 4 and 5

Subsection 4(2) makes it an offence to fail or refuse to comply with an officer's order, or to interfere with an officer's attempt to stop the disorderly conduct. Additional measures that may be taken with respect to the prevention of disorderly conduct are set out in sections 81(2) and (3) of the Indian Act. Under section 81(2), where any by-law of a band is contravened and a conviction entered, a court may make an order prohibiting the continuation or repetition of the offence by the person convicted. Under section 81(3) of the Indian Act, where any by-law of a Band is contravened (but no conviction entered), such contravention may be restrained by court action at the instance of the Band Council. Sections 81(2) and (3) may be helpful to a Council that wishes to restrain or prevent the continuation of any disorderly conduct on the reserve.

**CANADA
PROVINCE OF NOVA SCOTIA
COUNTY OF CUMBERLAND**

IN THE MATTER OF the Canada Evidence Act;

-and-

IN THE MATTER OF the certification of the Indian Band
By-laws pursuant to Section 86 of the *Indian Act*, R.S.C.
1985 Chap. 1-5

STATUTORY DECLARATION

I, Brendon Drake, of Amherst, Province of Nova Scotia, do
solemnly declare as follows:

1. That on this date I was Director of Lands and Trust Services, Atlantic Regional Office of Indian and Inuit Affairs;
2. The incumbent of the position of Director, Lands and Trust, has the powers of superintendent as set out in the *Indian Act* by virtue of a Ministerial declaration dated November 25, 1987, with respect to "superintendents" under Section 2(1) of the *Indian Act*.
3. That I have reviewed the attached copy of the Fort Folly Band By-law No. 1999.01 being a by-law respecting the prevention of disorderly conduct, having been enacted by the Fort Folly Band Council on the 28th day of June, 1999;
4. My review has determined that the attached copy of By-law No. 1999.01 represents a true copy of the original. Consequently, it has been stamped as such and I have put my initials on each of the (4) pages and attached schedule to reflect this finding;
5. Pursuant to section 86, of the *Indian Act*, I do hereby certify the attached by-law as a true copy.
6. I make this solemn declaration conscientiously believing it to be true and knowing it to be of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at
Amherst, Nova Scotia this
15th day of February A.D. 2000

Ralph R. Ragbir

Ralph R. Ragbir

Commissioner for the taking of Oaths
pursuant to paragraph 108 (a) of the
Indian Act.

Brendon Drake 02/02/15
Director
Lands and Trust Services