

By-law No. 1997-7
Mikisew Cree First Nation
A By-law for the Prevention of
Disorderly Conduct and Nuisances
Enacted on the 24 day of June, 1997

WHEREAS the Council of Mikisew Cree 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 Mikisew Cree 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 Mikisew Cree First Nation Reserves to provide for the prevention of disorderly conduct and nuisances on the reserve;

NOW THEREFORE the Council of Mikisew Cree First Nation hereby enacts the following by-law:

Short Title

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

Interpretation

2. In this by-law,

"Band" means the Mikisew Cree First Nation;

"Council" means the Council of the Mikisew Cree First Nation;

"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;

"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 peace officer 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 that tract of land the legal title to which is vested in Her Majesty that has been set apart by Her Majesty for the use and benefit of the Mikisew Cree First Nation and which is known as the Mikisew Cree First Nation Reserves Nos. 217, 218, 219, 220, 221, 222, 223, 224, and 225.

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.

Nuisance

4.(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 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.(1) 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) The Council may, by band council resolution, provide for the appointment of a by-law enforcement officer and the reasonable remuneration of a by-law enforcement officer.

Offence

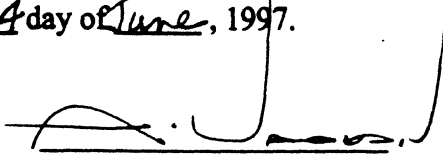
6. A person who fails or refuses to comply with an order made under subsection 3(2) or subsection 4(2), or who resists or interferes with an officer acting under subsection 3(2) or subsection 5(1), commits an offence.

Penalty

7. 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.

Enactment

This By-law is hereby enacted by the Council of the Mikisew Cree First Nation at a duly convened meeting held on the 24 day of June, 1997.


Chief


Councillor


Councillor

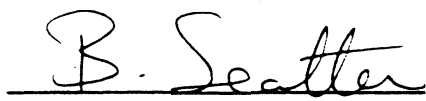

Councillor



Councillor


Councillor


Councillor

I, Archie Wagon Chief Councillor of the Mikisew Cree First Nation do hereby certify that a true copy of the foregoing By-Law was mailed to the Minister of Indian Affairs and Northern Development pursuant to section 82(1) of the Indian Act, this 24 day of June, 1997


Witness


Chief/Councillor