

DISORDERLY CONDUCT AND NUISANCES BY-LAW

**BY-LAW NO 1997.003
of the Fort McMurray No. 468 First Nation
BEING A BY-LAW TO REPEAL AND REPLACE
BY-LAW NO. 1997.002**

ENACTED ON THE 27 DAY OF June, 1997

WHEREAS the Council of the Fort McMurray No.468 First Nation (the "Nation") desires to make a by-law governing the prevention of disorderly conduct and nuisances on the reserve;

AND WHEREAS the Council is empowered to make this by-law by section 81 of the Indian Act;

AND WHEREAS the Council did enact the Fort McMurray No. 468 First Nation Disorderly Conduct and Nuisances By-law on March 20th, 1997 , and wishes to repeal that by-law and replace it with this by-law;

NOW THEREFORE the Council hereby makes the following by-law;

Short Title

1. This by-law may be cited as the "*Fort McMurray No. 468 First Nation Disorderly Conduct and Nuisances By-law*".
2. In this by-law,

"*Council*" means the Council of the Nation as defined in the Indian Act, as amended from time to time;

"*disorderly conduct*" means any act or behaviour, including:

- (a) fighting;
- (b) making or causing unreasonable noise;
- (c) using insulting, abusive or obscene language;
- (d) impeding or molesting, or threatening to impede or molest, other persons;
- (e) using or committing offensive or indecent gestures or displays;
- (f) being drunk;
- (g) loitering;
- (h) exposing, firing or discharging any gun, pistol or other firearm, or using or threatening to use any other article as a weapon; or
- (i) interfering in any manner with the orderly conduct of commercial, legislative, administrative, educational, recreational, health care, religious or ceremonial activities on the reserve, including but not limited to the business of the Nation, Council or any employee, agent or representative of the Nation

that disrupts public order on the reserve, disrupts the orderly conduct of the business of the Nation, Council or any employee, agent or representative of the Nation or the lawful activities of anyone lawfully on the reserve, scandalizes the community, or causes material public inconvenience, annoyance or alarm;

"Nation" means the Fort McMurray No. 468 First Nation;

"nuisance" means any act, activity or condition, including:

- (a) the abandonment of cars, household appliances, 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, leaves 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; or
- (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, and without limiting the foregoing, also includes any other common or public nuisance;

"officer" means any police officer, police constable or other person charged with the duty to preserve and maintain the public peace, and any other person appointed by Council for the purpose of maintaining law and order on the reserve;

"person" includes a corporation;

"reserve" means all lands reserved to the Nation from time to time.

Disorderly Conduct

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

Nuisance

4. (1) Everyone who creates or causes a nuisance is guilty of an offence.
- (2) Council or 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, Council or 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 an 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 offence.

Penalty

6. 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 of a term not exceeding thirty days, or to both.

Repeal

7. *The Fort McMurray No. 468 First Nation Disorderly Conduct and Nuisances By-law* passed the 20th day of March, 1997 is hereby repealed.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Band Council of the Fort McMurray No. 468 First Nation this 27 day of June, 1997.

