

MUSQUEAM INDIAN BAND

UNTIDY PREMISES BY-LAW

WHEREAS the Musqueam Indian Band Council (the "Council") is empowered to enact by-laws to maintain law and order on Reserve lands;

AND WHEREAS Section 81(1) of the *Indian Act*, R.S.C. 1985, c. I-5, as amended (the "*Indian Act*") authorizes the Council to enact by-laws to provide for the safety and health of residents, and the prevention of nuisances and hazardous conditions on a Reserve.

AND WHEREAS the Musqueam Indian Band seeks to maintain and protect the safety, health and order of the Musqueam Indian Band community;

AND WHEREAS it is deemed expedient and in the interest of the Musqueam Indian Band to pass this By-law.

NOW THEREFORE, the Council enacts the following By-law:

1. This By-law may be cited as the "*Untidy Premises By-law*".

2. Definitions:

"**Band**" means the Musqueam Indian Band;

"**Council**" means the duly elected Musqueam Indian Band Council as defined in the Indian Act;

"**Member**" means a person who is included or entitled to be included as a member of the Musqueam Indian Band;

"**Offal**" means any part of any animal, fish, crustacean, bird, or, species that is deemed unusable, spoiled or unwanted.

"**Officer**" means any Police officer, constable or member charged with the duty to preserve and maintain the public peace, and any by-law enforcement officer or member appointed by Council for the purpose of maintaining law and order on the Reserve and includes any member of the Vancouver Police Department;

"**Owner**" means the person to whom a "Certificate of Possession" has been issued in relation to a property. For the purposes of this By-law, owner does not include the Musqueam Indian Band.

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“Occupier” “means the person residing on a property as the holder of a Certificate of possession in relation to the said property, the primary tenant under a rental agreement with the Band or who resides on the property under an agreement with the Band to obtain a future Certificate of Possession, or who resides on a property under a rental agreement with a Member.

“Peace Officer” means a Police Constable of the Vancouver Police Department or the Royal Canadian Mounted Police and includes any person appointed as such by the Council.

“Real property” includes land and any buildings on the land and anything affixed to the land including a building or structure or part of a building or structure, the lands and premises appurtenant thereto and all mobile homes, mobile buildings mobile structures, out-buildings, fences and erections thereon whether heretofore or hereafter erected, and vacant property

“Reserve” and **“the Reserve”** means any Reserve of the Band.

3. Every owner or occupier of real property shall maintain the said property in a neat and tidy condition in keeping with a reasonable standard of maintenance prevailing in the neighbourhood.

3(a). Every owner is responsible to ensure compliance of this By-law for real property for which they hold a valid Certificate of Possession, and subject to the penalties under this By-Law, regardless of whether or not they are living on the property or allowing any other person to reside on the property,

4. Without the prior written permission of the Band Manager no owner or occupier of any real property may allow any accumulation of rubbish, discarded materials, hazardous waste, garbage, ashes, filth, offal or stored materials upon such real property.

5. In addition to the requirements of section 3, an owner or occupier of real property used to provide space for a solid waste container, fishing tote, or any container used to transport, hold or store biological materials must:

(a) Maintain the container and area adjacent to the container in a condition that

is:

(i) Clean and sanitary, and

(ii) Not noxious or offensive or dangerous to the public health; and

(b) Ensure frequent enough emptying of the container that its contents do not overflow onto the ground or otherwise cause a nuisance.

6. Every owner or occupier of a parcel of real property shall keep the said property cleared of weeds, brush, trees, or other growths, within a reasonable standard of that prevailing in the neighbourhood.

7. Every owner or occupier of real property used to store fishing or crabbing or hunting equipment , including any manner of vessel or vehicle, shall maintain the said equipment and any area adjacent to the equipment in a condition that:

(i) is clean and sanitary, and

(ii) does not emit any noxious or offensive odors

(iii) does not pose a hazard to the public health

(iii) secured in a manner that is safe and secure

8. Without the prior written permission of the Band Manager no owner or occupier of real property may store any derelict vehicle, vessel, trailer or motor home upon said property.

9. Every owner or occupier of real property shall store no more than two unlicensed or uninsured vehicles, including motorcycles, or more than one motor home or travel trailer, or, more than two boats and, or trailers upon said property.

10. Every owner or occupier of real property shall have no more than three vehicles, or any combination of three vehicles, vessels or trailers noted in sections 7, 8 or 9 upon said property without the written permission of the Housing Department Manager.

11. Where the owner or occupier of any real property fails to remove from said property any accumulation of rubbish, discarded materials, garbage, ashes, filth, animal or fish offal, or fails to keep the said property cleared of weeds, brush, trees, or other growths, or is otherwise in breach of this By-law, the Chief and Council or their designate may cause a notice to be served upon the owner or occupier of the real property requiring such owner or occupier to remedy the condition within ten days so as to meet reasonable standards reflecting general standards applying in the neighbourhood. Any such order shall be sufficiently served upon the owner by sending the same by return registered mail to the address shown on the Band housing rolls for the owner and occupier, or by delivering it to the occupier of the premise and the owner.

12. In the event of default by the owner or occupier in remedying the condition within the time limited, as specified in the notice referred to in section 10 hereof, the chief and Council or their designate may enter upon the real property for the purpose of remedying the condition referred to in the said notice. The costs incurred in carrying out any work pursuant to this subsection shall be recoverable by the Band from the owner and, or, the occupier by action in any Court of competent jurisdiction.

13. Every person who offends against any of the provisions of this By-law, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this By-law, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this By-law, or who does any act or thing which violates any of the provisions of this By-law, shall be deemed to be guilty of an infraction of this By-law, and shall be liable to the penalties hereby imposed.

14. Every person who commits an offence against this by-law is punishable on conviction by a fine of not more than \$1,000.00 for each offence.

(1) Every person who commits an offence of a continuing nature is liable to a fine not exceeding \$500.00 for each day such offence is continued.

15. A Peace Officer may enforce any Order issued under this By-law.

16. Every person who commits an offence of a continuing nature against this By-law is liable to the penalty or penalties authorized under section 13 of this By-law for each day such an offence is continued.

17. This By-law is subject to the *Indian Act* and regulations made there under.

18. A finding by a court that a provision of this By-law is void or invalid shall not affect the validity of the rest of the By-law.

19. This By-law may be amended from time to time or repealed by a by-law made in accordance with the *Indian Act*.

20. This By-law shall apply to all Reserves.

21. This By-law shall come into force forty days after the date of mailing to the Minister of Indian Affairs and Northern Development as required pursuant to section 82 of the *Indian Act*.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Musqueam Indian Band this 10th day of February, 2015.

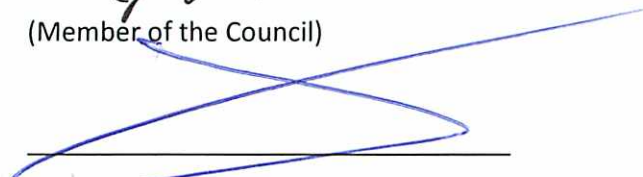
Voting in favour of the By-law are the following members of the Council:



(Member of the Council)



(Member of the Council)



(Member of the Council)



(Member of the Council)

(Member of the Council)

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(Member of the Council)

(Member of the Council)

[Signature]

(Member of the Council)

(Member of the Council)

(Member of the Council)

[Signature]

(Member of the Council)

Being the majority of those members of the Council of the Musqueam Indian Band present at the aforesaid meeting of the Council. The quorum of the Council is 5 members.

Number of members of the Council present at the meeting: 7.

I, Wayne Sparrow, Chief/Councillor of the Musqueam Indian 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 _____ office of the department pursuant to subsection 82(1) of the *Indian Act* this 16 day of February, 2015.

Frances Mason
(Witness) Secretary to chief & Council

[Signature]
(Chief/Councillor)