

Prophet River First Nation Parks and Public Spaces By-law

WHEREAS the Band Council of Prophet River First Nation wishes to establish a by-law concerning the use of parks and public spaces on the Reserve;

AND WHEREAS section 81 of the *Indian Act*, R.S.C. 1985, c. I-5 empowers the council of a band to enact by-laws in respect of matters local in nature to a reserve;

THEREFORE the Band Council of Prophet River First Nation makes the following by-law:

PART 1 – GENERAL

SHORT TITLE

1. This by-law may be cited as “Prophet River First Nation Parks and Public Spaces By-law”.

INTERPRETATION

2. In this by-law, the following definitions apply:
 - (a) “**Band Council**” means the elected Chief and Council of Prophet River First Nation.
 - (b) “**By-Law Enforcement Officer**” means an individual appointed pursuant to section 4, or any By-Law Enforcement Officer, including a police officer or a person employed by the Band Council, for the purpose of enforcing the provisions of this by-law.
 - (c) “**Park**” means any space on the Reserve specifically designated as a public park for the general purposes of pleasure, recreation or community use.
 - (d) “**Public Space**” means any space to which the public is ordinarily invited or permitted to be in or on and includes the band administration building.
 - (e) “**Reserve**” means Prophet River First Nation I.R. 4.

APPLICATION

3. This by-law applies to all persons residing on or visiting the Reserve.

PART II – ADMINISTRATION

BY-LAW ENFORCEMENT OFFICER

4. The Band Council may appoint a By-Law Enforcement Officer to provide for the administration and enforcement of this by-law.

GENERAL PROHIBITIONS

5. No person shall throw, deposit, drop, leave, place or dump, or cause to be thrown, deposited, dropped, left or placed, any garbage, cans, bottles, paper, ashes, cigarette or cigar butts, refuse, trash, or rubbish in a Park or Public Space.
6. No person shall consume an intoxicant, including drugs or alcohol, in a Park or Public Space.
7. No person shall take up temporary or permanent abode in or on any Park or Public Space.
8. No person shall engage in any activity that creates a nuisance or that interferes with the use and enjoyment of the Park or Public Space by other persons.
9. No person shall urinate or defecate in or on any Park or Public Space except in a provided public or private toilet facility.

USES

10. The Band Council may designate certain areas of a Park or Public Space for a specific use and may prescribe certain requirements desired by the Band Council for such use.

ENFORCEMENT

11. The By-Law Enforcement Officer may order any person who commits an offence under this by-law to refrain from the offensive conduct.
12. If a person fails to comply with an order under section 11, the By-Law Enforcement Officer may take reasonable steps to stop, prevent, or abate the offence. That person will be liable for the costs incurred by the By-Law Enforcement Officer to stop, prevent, or abate the offence.

PENALTY

13. Every person who contravenes any provision of this by-law is guilty of an offence and is liable on summary conviction to a fine of not more than \$1,000.


AMENDMENT

14. The Band Council must follow the following procedures in amending or repealing this by-law:


- (a) The Band Council must present the amendment or proposal to repeal for discussion at a band general meeting.
- (b) The Band Council must provide at least fifteen (15) days notice to members prior to the band general meeting referred to in section 14(a). Such notice must indicate the nature of the by-law being discussed.
- (c) The Band Council must allow any member or person who may possibly be affected by the proposed by-law to present written or oral comments at the band general meeting required by section 14(a). The Band Council may, however, set reasonable restrictions on the amount of time allowed for such comments.

This by-law is hereby made at a duly convened meeting of the Band Council of Prophet River First Nation this 17 day of December, 2019, at Fort St. John, B.C.

QUORUM: (two) 2 members of Council.



Chief Kirk Tsakoza



Councillor Jacqueline Reno



Councillor Beverly Stager