

Prophet River First Nation Property Maintenance By-law

WHEREAS the Band Council of Prophet River First Nation wishes to establish a by-law concerning the maintenance of property and yards 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 Property Maintenance 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) “**Dwelling**” means any building or structure located on a Parcel of Land used for the purposes of habitation and includes, for the purposes of this by-law, any related outbuildings or structures located on the Parcel of Land such as parking garages or sheds.
 - (d) “**Grass**” means vegetation typically consisting of short plants with long narrow leaves, growing wild or cultivated on lawns and pasture, and includes plants that are commonly known or referred to as grass.
 - (e) “**Noxious Weed**” means any weed designated by the *Weed Control Regulation*, B.C. Reg. 66/85 and any amendments thereto, as well as any other plant that may be designated as a Noxious Weed by the Band Council.
 - (f) “**Occupant**” means a person who is legally entitled to occupy or simply occupies a Dwelling on a Parcel of Land.

- (g) **"Parcel of Land"** means any lot, block, manufactured home pad or other area located on the Reserve upon which a Dwelling is situated.
- (h) **"Registered Holder"** means a person who is registered by Prophet River First Nation as a holder of interest in a Parcel of Land and, where applicable, includes the Occupant.
- (i) **"Reserve"** means Prophet River First Nation I.R. 4.
- (j) **"Unsightly"** includes but is not limited to:
 - (i) the accumulation of filth, discarded materials or rubbish of any kind, including but not limited to paper, cardboard, tin cans, leaves, wood, bedding, bags, and appliances;
 - (ii) the accumulation or deposit of discarded or fallen building materials, including the surface, covering or coating material of a building or structure, or the building or structure itself or part thereof which is missing all or a portion of its surface, covering or coating material; and
 - (iii) the presence of graffiti, whether in the form of pictures or words.

APPLICATION

- 3. This by-law applies to all Registered Holders and Occupants of a Parcel of Land.

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.

MAINTENANCE OF DWELLING AND PARCEL OF LAND

- 5. No Occupant shall cause or permit the Dwelling or surrounding Parcel of Land to become or remain Unsightly.

NOXIOUS WEEDS AND GRASS

- 6. Every Occupant of a Parcel of Land within the Reserve must prevent:
 - (a) the infestation of Noxious Weeds on the Parcel of Land; and
 - (b) the growth or presence of Grass exceeding 20.32 cm (8 inches) in height on the Parcel of Land.

7. All Registered Holders of a Parcel of Land within the Reserve must, upon being ordered to do so by the By-Law Enforcement Officer:
 - (a) cut and remove, or cause to be cut down in such a manner as to prevent blowing, all Noxious Weeds growing upon the Parcel of Land as often in each year as is necessary to prevent the Noxious Weeds from going to seed; and
 - (b) cut and remove, or cause to be cut down in such a manner as to prevent blowing, any Grass growing upon the Parcel of Land in excess of 20.32 cm (8 inches) in height as often in each year as is necessary to maintain the Grass at a height not in excess of 20.32 cm (8 inches) in height.

ENFORCEMENT

8. The By-Law Enforcement Officer may enter at all reasonable times upon any Parcel of Land within the Reserve that is subject to this by-law in order to ascertain whether this by-law is being complied with.
9. If the By-Law Enforcement Officer determines that any Parcel of Land within the Reserve contravenes any provisions of this by-law, the By-Law Enforcement Officer will immediately give notice in writing of that contravention and require the Registered Holder of the Parcel of Land to comply with the requirements of this by-law within ten (10) days of receipt of the notice.
10. Any written notice given under the above section is deemed to be validly given if either delivered personally or mailed by regular mail addressed to the Registered Holder of the Parcel of Land and posted in a reasonably visible location on the Parcel of Land.
11. If after the expiry of ten (10) days from the date of notice given pursuant to section 9, the Registered Holder of a Parcel of Land has failed to comply with the requirements of the notice, the By-Law Enforcement Officer may enter upon the Parcel of Land and carry out the work required at the expense of the Registered Holder.

PENALTY

12. 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

13. 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 13(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 13(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