

## **Prophet River First Nation Abandoned Vehicles By-law**

**WHEREAS** the Band Council of Prophet River First Nation wishes to establish a by-law concerning the storage of abandoned vehicles 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 Abandoned Vehicles By-law”.

#### **INTERPRETATION**

2. In this by-law, the following definitions apply:
  - (a) “**Abandoned Vehicle**” means an inoperable car, truck, van, or other motorized vehicle that is not being used by the Owner and is not being temporarily stored by the Owner for repair or parts.
  - (b) “**Band Council**” means the elected Chief and Council of Prophet River First Nation.
  - (c) “**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 bylaw.
  - (d) “**Owner**” means the legally registered owner of an Abandoned Vehicle.
  - (e) “**Reserve**” means Prophet River First Nation I.R. 4.

#### **APPLICATION**

3. This by-law applies to all Owners of Abandoned Vehicles 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.

#### **STORAGE OF ABANDONED VEHICLES**

5. No Owner shall store an Abandoned Vehicle anywhere on the Reserve unless it is stored in a facility specifically designated by the Band Council for the storage of Abandoned Vehicles.
6. Each Owner shall have two (2) months after an Abandoned Vehicle becomes inoperable to remove the Abandoned Vehicle from the Reserve unless the Abandoned Vehicle becomes an environmental or safety hazard. If the Abandoned Vehicle becomes an environmental or safety hazard, the Owner must immediately remove the Abandoned Vehicle from the Reserve.

#### **ENFORCEMENT**

7. If the By-Law Enforcement Officer determines that an Abandoned Vehicle has been inoperable for more than two (2) months and the Owner has taken no steps to remove the Abandoned Vehicle from the Reserve, the By-Law Enforcement Officer will immediately give notice in writing of the contravention and require the Owner to comply with the requirements of this by-law within fourteen (14) days of receipt of the notice.
8. 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 Owner and posted in a reasonably visible location on the Abandoned Vehicle.
9. If after the expiry of fourteen (14) days from the date of notice given pursuant to section 7, the Owner has failed to comply with the requirements of the notice, the By-law Enforcement Officer may remove the Abandoned Vehicle at the expense of the Owner.

#### **PENALTY**

10. 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.

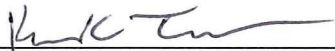
#### **AMENDMENT**

11. 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 11(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 11(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

  
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Chief Kirk Tsakoza

  
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Councillor Jacqueline Reno

  
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Councillor Beverly Stager