

**BY-LAW NO. 2018-004
of the Waywayseecappo First Nation**

**A By-Law for the Prevention of
Disorderly Conduct**

WHEREAS the Council of Waywayseecappo First Nation desires to make a By-Law governing the prevention of Disorderly Conduct, with respect to any matter arising out of or ancillary to the exercise of powers under section 81 of the *Indian Act*, R.S.C. c. I-5, and for the imposition of a penalty for a violation thereof;

AND WHEREAS the Council of Waywayseecappo First Nation is empowered to make such By-Law pursuant to paragraphs 81(1)(d), (q) and (r) of the *Indian Act*;

AND WHEREAS it is considered to be expedient and necessary for the benefit, comfort and safety of the inhabitants of the Waywayseecappo First Nation Indian Reserve to provide for the prevention of Disorderly Conduct on the reserve;

NOW THEREFORE the Council of Waywayseecappo First Nation hereby makes the following By-Law:

Short Title

1. This By-Law may be cited as the "Waywayseecappo First Nation Disorderly Conduct By-Law".

Interpretation

2. In this By-Law,

"*Band*" means the Waywayseecappo First Nation;

"*Council*" means the Chief and Council of the Waywayseecappo First Nation;

"*Disorderly Conduct*" means any act or behaviour, including

- (a) fighting;
- (b) making or causing unreasonable noise;
- (c) using abusive language;
- (d) using offensive or indecent gestures or displays;

- (e) being drunk or impaired;
- (f) loitering;
- (g) exposing, firing or discharging any gun, pistol or other firearm, or using or threatening to use any other article as a weapon; or
- (h) interfering in any manner with the orderly conduct of commercial, administrative, educational, recreational, health care, religious or ceremonial activities on the Reserve, that disrupts public order on the reserve, scandalizes the community, or causes public inconvenience, annoyance or alarm;

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

"*Person*" includes a corporation;

"*Reserve*" means Waywayseecappo First Nation Reserve and any other reserve lands under the authority of Council.

Disorderly Conduct

3. (1) Everyone who commits an act of Disorderly Conduct is guilty of an offence.
- (2) An Officer may order any person who is engaging in any Disorderly Conduct to stop such conduct immediately.

Enforcement

4. (1) Where a person who has been ordered to stop engaging in Disorderly Conduct, fails or refuses to comply with the order, an Officer may take such reasonable measures as are necessary to stop the Disorderly Conduct.
- (2) A person who fails or refuses to comply with an order made under subsection 3(2), or who resists or interferes with an Officer acting under subsection 4(1), commits an offence.

Penalty

5. A person who commits an offence under this By-Law is liable on summary conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding thirty days, or to both.

Coming Into Force

6. This By-Law shall come into force upon it being first published pursuant to subsection 86(1) of the *Indian Act*.

7. All previous By-Laws governing the prevention of Disorderly Conduct on the Reserve are hereby revoked and are of no force or effect.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Waywayseecappo First Nation this 6th day of September, 2018.

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



Chief Murray Clearsky



Councillor Melville Wabash



Councillor Travis Cloud



Councillor Chantel Wilson

Councillor Tim Cloud



Councillor Joe Gambler



Councillor Anthony Longclaws

Being the majority of those members of the Council of the Waywayseecappo First Nation present at the aforesaid meeting of the Council.

The quorum of the Council is three (3) members.

The number of members of the Council present at the meeting: