

SEP 17 8 2003

INDIAN AFFAIRS

Fort William First Nation

90 Anemki Drive, Suite 200. Thunder Bay, Ontario. P7C 4Z2 Phone (807)623-9543 Fax (807)623-5190

A By-law for the prevention of Disorderly Conduct and Nuisances
By-law 2003-01

Whereas the citizens of Fort William First Nation have, collectively, the inherent right to govern themselves on their traditional and ancestral territories as provided by the Creator, that this fundamental right has always rested with their people, and that the inherent right of self determination is an existing aboriginal and treaty right recognized and affirmed under section 35 of the Constitution Act, 1982;

And Whereas the exercise of the inherent right of self determination involves, amongst other things, the enactment of laws and regulations for the maintenance of social order and quality of life on reserve;

And Whereas the Council of Fort William First Nation desires for the better government of the First Nation to enact a By-law for the prevention of disorderly conduct and nuisances on reserve, and for the imposition of a penalty for a violation of the By-law;

And Whereas the Council of Fort William First Nation considers it necessary for the health, welfare, and safety of Fort William First Nation to provide for the prevention of disorderly conduct and nuisances on reserve;

And Whereas paragraphs 81(1)(d),(q) and (r) of the Indian Act, R.S.C. 1985, c. 1-5, as amended, also empowers the Council of a First Nation to make By-laws governing the residence of citizens of a First Nation and other persons on reserve;

Be it therefore resolved, that the Council of Fort William First Nation at a duly convened meeting enacts the following By-law in an express exercise of its rights pursuant to the inherent right of self determination and section 81 of the Indian Act.

Short Title

1. This By-law may be cited as the **“Fort William First Nation Disorderly Conduct and Nuisances By-law”**.

Definitions

2. In this By-law:

“Council of the First Nation” means the Council of Fort William First Nation, a Council of the Band as defined in section 2(1) of the Indian Act;

“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 intoxicated;
- (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, except in defence of life or property; or
- (h) interfering in any manner with the orderly conduct of commercial, administrative, educational, recreational, health care, social, religious, or ceremonial activities on reserve;

that disrupts public order on reserve, scandalizes the community or causes public inconvenience, annoyance or alarm;

“First Nation” means the Fort William First Nation, and Indian band as defined in section 2(1) of the Indian Act;

“Indian Act” means the Indian Act, R.S.C. 1985, c. 1-5, as amended:

“nuisance” means any act, activity or condition, including

- (a) the abandonment of cars or other motor vehicles, including snow machines, household appliances or furniture or parts of motor vehicles, household appliances or furniture;

- (b) the storage of abandoned cars or other motor vehicles, including snow machines, household appliances or furniture or parts of motor vehicles, household appliances or furniture;
- (c) the dumping or storage of tires, garbage or other refuse;
- (d) the burning of tires, garbage or other refuse;
- (e) the discharge of any substance into the air or water; or
- (f) noise;

that materially impairs, otherwise than by direct physical interference the use and enjoyment of a person's property, or that prejudicially affects a person's health, comfort or convenience or the public health, safety or welfare on reserve, but does not include any act, activity or condition to the extent it is unavoidably necessary for carrying on any business or other means of livelihood authorized by Council;

"officer" means any peace officer as defined in section 2 of the Criminal Code of Canada, R.S.C. 1985, c. C-46, as amended; or other person charged with the duty to preserve and maintain public peace, and any By-law enforcement officer or other person appointed by Council for the purpose of maintaining law and order on reserve, pursuant to such By-laws as have been or maybe enacted from time to time by Council;

"person" in addition to its ordinary meaning includes a partnership, association, company, society or body corporate;

"reserve" means the reserves of the First Nation as defined in section 2(1) of the Indian Act; and any other land(s) owned directly or indirectly by Fort William First Nation.

Disorderly Conduct

- 3. (1) Every person who commits an act of disorderly conduct is guilty of an offence.
- (2) An officer may order any person who is engaged in any disorderly conduct to stop such conduct immediately.

Nuisance

- 4. (1) Every person who creates or cause a nuisance is guilty of an offence.

- (2) Any officer may order any person who is causing or threatens to cause a nuisance or to reduce the nuisance within such period of time as is reasonable in the circumstances.

Charge for Breach of By-law

5. In addition to the authority of a peace officer to lay a Charge for Breach of this By-law, the Council of the First Nation shall also have the authority to instruct by resolution that a Charge for Breach of this By-law be laid, by a peace officer, or other person.

Enforcement


6.
 - (1) Where a person who has been ordered to stop engaging in disorderly conduct, or to stop from causing a nuisance or to reduce the nuisance within a specified period of time, fails or refuses to comply with the order, an officer may take such reasonable measures as are necessary to stop the disorderly conduct, or to prevent or reduce the nuisance.
 - (2) A person who fails or refuses to comply with an order made under subsections 3(2) or 4(2), or who resists or interferes with an officer acting under subsections 3(2) or 5(1), commits an offence.

Penalty

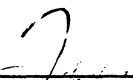
7. A person who commits an offence under this By-law is liable on summary conviction to a fine not exceeding **One Thousand (\$1,000.00) Dollars** or imprisonment for a term not exceeding **Thirty (30) Days** or to **both**.

This By-law is hereby made at Fort William First Nation, Ontario, at a duly convened meeting of the Council of Fort William First Nation called for this purpose, this 23rd day of September 2003.

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



Chief Peter W. Collins



Councillor Lyle Charlie

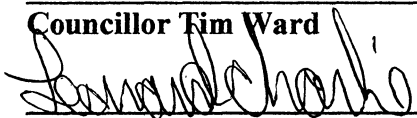


Councillor Guy Collins



Councillor Arlene Solomon

Councillor Tim Ward



Councillor Leonard Charlie



Councillor Thomas Pelletier




Councillor Michael Pelletier



Councillor Anthony Collins

Councillor Martin A. Bannon Sr.

Councillor Phillip Pelletier



Councillor Myles Pervais



Councillor William Solomon

being a majority of those members of the Council of Fort William First Nation present at the aforesaid meeting of the Council . The quorum of the Council is 5 members. The number of members of the Council present at the meeting was 4.

HAND-DELIVERED
SEPT. 26 103.

@ 3:40 p.m.