

MUSQUEAM INDIAN BAND

NUISANCE BY-LAW 2008

This By-law is made pursuant to Section 81(d), (q) and (r) of the *Indian Act*.

WHEREAS by passing the Nuisance By-law and the Nuisance Amendment By-law No. 1 in 1990, the Band Council (the "Band Council") of the Musqueam Indian Band (the "Band") exercised its powers under the said section of the *Indian Act* for the purpose of the prevention of nuisances on the reserves of the Band (the "Reserves") and Council now deems it expedient and in the best interests of the Band to amend those By-laws.

NOW THEREFORE the Band Council of the Band enacts as a by-law the following:

1. Interpretation

(a) "Enforcement Officer" means the Band Manager or Chief Administrative Officer of the Band, a person delegated by the Band Manager or Chief Administrative Officer, a member of the Vancouver Police Department or anyone appointed by the Council as Enforcement Officer;

(b) "Nuisance" mean any:

- (1) derelict or abandoned vehicle, vessel, boat, trailer, appliance or furniture;
- (2) waste as defined in the Indian Reserves Waste Disposal Regulations;
- (3) disorderly party;
- (4) obnoxious smell;
- (5) excessive noise;
- (6) other circumstance,

that unreasonably lessens the comfort or endangers the health or safety of the residents of the Reserve or interferes with the lawful use of streets, sidewalks and

public areas by vehicles and pedestrians. For the purposes of the foregoing, any Band owned land or facility shall be considered to be a public area.

2. Prevention of Nuisances

No person shall cause or permit a Nuisance on a Reserve and a person commits an offence and violates this By-law where he or she fails to abate a Nuisance after he or she has been notified by the Enforcement Officer to do so by a notice of 48 hours or such shorter time as may be reasonable in the circumstances. If a person fails to abate a Nuisance after such notice, the Enforcement Officer may take such steps as may be reasonable in the circumstances to abate the Nuisance and the person shall be liable to reimburse the Band for any costs incurred in doing so.

3. General

- (a) Any person who violates any of the provisions of this By-law shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding One Thousand Dollars or imprisonment for a term not exceeding thirty days or both fine and imprisonment;
- (b) Every person who commits an offence of a continuing nature against this By-law is liable to the penalty or penalties authorized under paragraph 3(a) of this By-law for each day such an offence is continued.
- (c) This By-law is subject to the *Indian Act* and regulations made thereunder.
- (d) A finding by a court that a provision of this By-law is void or invalid shall not affect the validity of the rest of the By-law.
- (e) This By-law may be amended from time to time or repealed by a by-law made in accordance with the *Indian Act*.
- (f) This By-law shall apply to all Reserves.

- (g) This By-law shall come into force forty days after the date of mailing to the Minister of Indian Affairs and Northern Development as required pursuant to section 82 of the *Indian Act*.
- (h) Upon the coming into force of this By-law, the Nuisance By-Law passed on January 20, 1990 and the Nuisance Amendment No. 1 By-law passed on June 25, 1990 shall be repealed.
- (i) This By-law is without prejudice to the provisions of any other by-law that may apply including the *Street Traffic By-law* passed by Council on August 2, 2005.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Musqueam Indian Band this 15th day of September, 2008.

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

Mary Charles
(Member of the Council)

[Signature]
(Member of the Council)

(Member of the Council)

(Member of the Council)

(Member of the Council)

~~_____
(Member of the Council)~~

Nora [Signature]
(Member of the Council)

Allyson [Signature]
(Member of the Council)

[Signature]
(Member of the Council)

[Signature]
(Member of the Council)

being the majority of those members of the Council of the Musqueam Indian Band present at the aforesaid meeting of the Council.

The quorum of the Council is 5 members.

Number of members of the Council present at the meeting: 7.

I, Allyson Fraser, Chief/Councillor of the Musqueam Indian Band, do hereby certify that a true copy of the foregoing By-law was mailed to the Minister of Indian Affairs and Northern Development pursuant to subsection 82(1) of the *Indian Act* this 15th day of September, 2008.

[Signature]
(Witness)

Allyson Fraser
(Chief/Councillor)