

THE HEILTSUK BAND OF INDIANS

By-Law No. 19

Being a By-Law to Regulate Noise
within the Reserve of the Band

WHEREAS Section 81(1)(d) of the Indian Act empowers the Council of a Band of Indians to enact by-laws respecting the prevention of disorderly conduct and nuisances;

NOW THEREFORE the Council of the Heiltsuk Band of Indians enacts as a by-law thereof as follows:

1. CITATION

1.01 This By-law may be cited as the Heiltsuk Indian Band Noise By-Law.

2. DEFINITIONS AND INTERPRETATION

2.01 Definitions

In this By-law:

- (a) "Band" means the Heiltsuk Band of Indians;
- (b) "Council" means the council, as defined by the Indian Act, of the Band;
- (c) "Inspector" means the person appointed, from time to time, by the Council pursuant to section 3.01 or occupying the position of Inspector pursuant to paragraph 3.02;
- (d) "person" includes any company, corporation, owner, partnership, firm, association, society or individual;
- (e) "real property" includes land together with all improvements which have been so affixed to the land as to make them in fact and in law a part thereof; and
- (f) "Reserve" means those tracts of land, the legal title to which is vested in Her Majesty, that have been set apart by Her Majesty for the use and benefit of the Band and includes designated lands.

2.02 Indian Act Definitions Apply

Words in this By-law not defined herein but defined in the Indian Act shall have the meanings provided in the Indian Act.

2.03 Number and Gender

In this By-law words in plural and singular number only include the plural and vice versa, and words importing the masculine gender include the feminine and neuter genders and vice versa.

2.04 Headings

The headings in this By-law are inserted for reference purposes only and are not to be considered or taken into account in construing the terms and provisions hereof or to be deemed in any way to clarify, modify or explain the effect of any such terms or provisions.

3. APPOINTMENT OF INSPECTOR

3.01 Council May Appoint

Council may by resolution appoint an Inspector for the Reserve.

3.02 Temporary Inspector

The Band Manager shall:

- (a) until the Council has appointed an Inspector, and
- (b) during any other period in which the office of the Inspector is vacant or the person appointed by the Council is for any reason unable to fulfill his office,

occupy the position of Inspector.

4. GENERAL REGULATIONS

4.01 Disturbing Peace and Quiet

No person shall make or cause, or permit to be made or caused, any noise in or on a public or private place which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity.

4.02 Occupiers of Real Property

No person being the occupier of, or in lawful possession of, real property shall allow or permit such real property to be used so that noise or sound which emanates therefrom, disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity.

4.03 Operation of Radios, Stereophonic Equipment

No person shall play or operate any radio, stereophonic equipment or other instrument or any apparatus for the production or amplification of sound either in or on private premises or in any public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.

4.04 Animals

No person shall own, keep or harbour any animal or bird which by its cries unduly disturbs the peace, quiet, rest or tranquility of the surrounding neighbourhood or the community at large.

4.05 Hawkers, Pedlars

No hawker, huckster, pedlar, news vendor, or other person shall by his intermittent or reiterated cries disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the community at large.

5. CONSTRUCTION HOURS

5.01 Hours of Construction

No person shall on any day before 07:00 hours or after 22:00 hours, construct, erect, reconstruct, alter, repair or demolish or fill in land in any manner which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of the persons in the vicinity.

5.02 Approval by Inspector

Notwithstanding the provisions of section 5.01, where in the opinion of the Inspector it is impossible or impractical to comply with this section, the Inspector may give written approval to carry on the work that is found to be necessary at designated hours. Where a person carries on work pursuant to a written approval given by the Inspector he shall be deemed not to be in violation of Section 5.01 hereof. Responsibility for obtaining written approval lies with the person carrying on the work.

6. OTHER

6.01 Outdoor Public Address Systems

No person shall operate any outdoor public address system without first having obtained a permit therefor.

6.02 Vehicles

No person shall operate a snow vehicle, motorboat or motorcycle which makes or causes noise.

6.03 Emergency Work

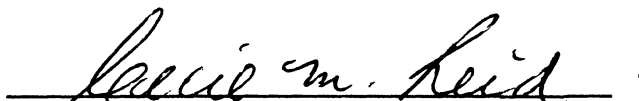
Notwithstanding any provisions of this By-law, a person may perform work of an emergency nature for the preservation or protection of life, health or property but the onus shall be on the person performing the work to show cause that the work was of an emergency nature.

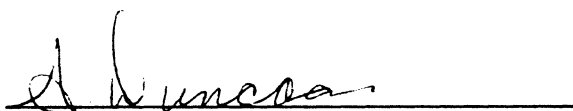
7. OFFENCE

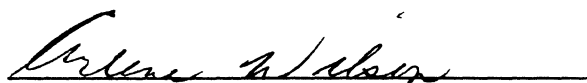
7.01 General Offence

Any person who violates any of the provisions of this By-law by doing an act that it forbids or omitting to do an act that it requires to be done commits an offence and shall be liable on summary conviction to a fine not exceeding \$1,000 or imprisonment for a term not exceeding thirty (30) days, or both.

ENACTED AS BY-LAW NO. 19 by the Council of the Heiltsuk Band of Indians at a duly convened meeting of the Council this 6 day of MARCH, 1991 by consent of a majority of the councillors present at that Meeting. In witness whereof the following councillors of the Heiltsuk Band of Indians being a majority of those councillors present at the said meeting have hereunto set their hands.


CHIEF


Councillor


Councillor

Ray Dunsby
Councillor

Robert Jackson
Councillor

William Blodgett
Councillor

Don Spill
Councillor

Kelley R Brown
Councillor

Cecil V. Carpenter
Councillor

Edna Mearns
Councillor

Reg. H. Woolly
Councillor

A quorum of the Council of the Heiltsuk Band of Indians is 5 members.

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