

DOIG RIVER INDIAN BAND

NUISANCE BYLAW NO. 2

WHEREAS:

- A. The Council of the Doig River Indian Band deems it advisable and in the best interest of the Band to establish a Bylaw for the prevention of disorderly conduct and nuisances on the Reserve;
- B. The Council of the Doig River Indian Band, may under paragraph 81 of the Indian Act, subject to the approval of the Minister of Indian Affairs and Northern Development, make Bylaws:
 - (1) for the prevention of disorderly conduct and nuisances (section 81(1)(d));
 - (2) with respect to any matter arising out of or ancillary to the exercises of the aforementioned power (section 81(1)(q));
 - (3) for the imposition of penalty for violation of a Bylaw made under section 81 (section 81(1)(r)).

NOW THEREFORE that the Council of the Doig River Indian Band, at a duly convened meeting, enacts the following Bylaw:

SHORT TITLE

1. This Bylaw may be cited as the "Doig River Indian Band Reserve Disorderly Conduct and Nuisances Bylaw".

INTERPRETATION

2. In this Bylaw:

"Band" means the Band;

"Council" means the council of the Band;

"Disorderly conduct" means any act or behavior, including

- (1) fighting;
- (2) making or causing unreasonable noise;
- (3) using abusive language;

- (4) using offensive or indecent gestures or displays;
- (5) being drunk;
- (6) loitering;
- (7) 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
- (8) interfering in any manner with the orderly conduct of commercial, administrative, educational, recreational, health care, religious or ceremonial activities on the Reserve,
- (9) personal harassment on any community member, their guests and/ or towards any of their personal property,

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

“Nuisance” means any act, activity or condition, including:

- (1) the abandonment of cars, household appliances or furniture, or parts of cars, household appliances or furniture,
- (2) the storage of abandoned cars, household appliances or furniture, or parts of cars, household appliances or furniture;
- (3) the dumping or storage of tires, garbage or other refuse;
- (4) the burning of tires, grass, garbage or other refuse, other than that done by the maintenance men for the purpose of Doig River First Nation Band Office;
- (5) The discharge of any substance into the air or water;
- (6) 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 of the Reserve community, 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 the Council;

“Officer” means any police officer, police constable or other person charged with the duty to preserve and maintain the public peace, and any other person appointed by the Council for the purpose of maintaining law and order on the reserve pursuant to this Bylaw;

“Person” includes a corporation;

"Reserve" means the reserve of the Band and includes the Band's Reserves Nos.

DISORDERLY CONDUCT

- 3 Every one who commits an act of disorderly conduct is guilty of an offence.
- 4 An officer may order any person who is engaging in any disorderly conduct to stop such conduct immediately.
- 5 Every one who creates or causes a nuisance is guilty of an offence.
- 6 An officer may order any person who is causing or who threatens to cause a nuisance on the Reserve to refrain from causing the nuisance or to abate the nuisance within such period as is reasonable in the circumstances.
- 7 In determining whether a period fixed by an officer under subsection (2) was reasonable in the circumstances, a court may take into account:
 - (a) the nature and extent of the nuisance;
 - (b) the methods available to abate the nuisance; and
 - (c) the approximate time required to abate the nuisance; and
 - (d) the effect of the order on any business or means of livelihood of the person who is subject of an order.

ENFORCEMENT

- 8 Where a person who has been ordered to stop engaging in disorderly conduct, or to refrain from causing a nuisance or to abate a nuisance within a specified period, fails or refuses to comply with the order, an officer may take such reasonable measures as necessary to stop the disorderly conduct, or to prevent or to abate the nuisance.
- 9 A person who fails or refuses to comply with an order made under sections 4 or 6, or who resists or interferes with an officer acting under section 8, commits an offence.

PENALTY

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


APPROVED AND PASSED at a duly convened meeting of the Community of the Doig River First Nation Band this 27th day of March, 2003.

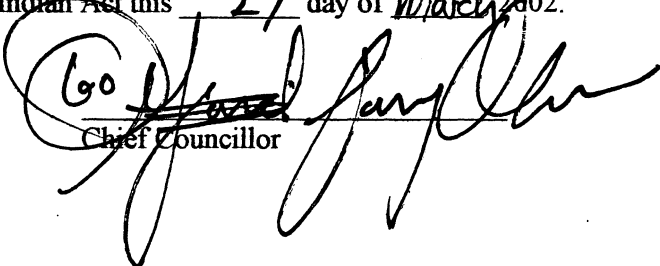

Chief


Councillor

Councillor

I, Garry Oker, Chief of the Doig River Indian Band of Indians, do hereby certify that a true copy of the foregoing bylaw was forwarded to the Minister of Indian Affairs and Northern Development pursuant to sub-section 82(1) of the Indian Act this 27 day of March 2002.


Witness


Chief Councillor