

**BY-LAW NO. 5 of the Duncan's First Nation Band  
A By-law for the Prevention of Disorderly Conduct**

**Enacted on the 15 day of November 2006**

**WHEREAS** the Council of Duncan's First Nation Band 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, and for the imposition of a penalty for a violation thereof;

**AND WHEREAS** the Council of Duncan's First Nation Band 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 Duncan's First Nation to provide for the prevention of disorderly conduct on the reserve;

**NOW THEREFORE** the Council of Duncan's First Nation Band hereby makes the following by-law:

**Short Title**

1. This by-law may be cited as the "Disorderly Conduct By-law".

**Interpretation**

2. In this by-law,

"*Band*" means the Duncan's First Nation Band;

"*Council*" means the Council of the Duncan's First Nation Band;

"*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;
- (f) loitering;
- (g) committing spousal, elder or child abuse;
- (h) stalking;
- (i) corruption of minors;
- (j) sale of illegal substances, drugs or alcohol;
- (k) Selling or pawning of goods which belong to the Duncan's First Nation.
- (l) exposing, firing or discharging any gun, pistol or other firearm, or using or threatening to use any other article as a weapon; or

- (m) being a member in an organized gang,
- (n) 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, 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 the reserve of the Duncan’s First Nation Band and includes the Band’s Reserves No.151A and No 151K.

### **Disorderly Conduct**

- 3. (1) Every one 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.

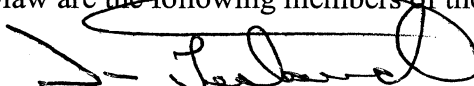
### **Penalty**

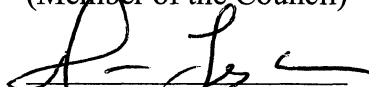
- 5. A person who commits an offence under this by-law is liable on summary conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding thirty days, or to both.

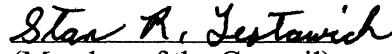
6. Should a court determine that a provision of this by-law is invalid for any reason, the provision shall be severed from the by-law and the validity of the rest of the by-law shall not be affected.
  
7. This by-law comes into force 40 days after the date of mailing to the Minister of Indian Affairs and Northern Development as required pursuant to section 82 of the Indian Act.

**THIS BY-LAW IS HEREBY** made at a duly convened meeting of the Council of the Duncan's First Nation Band this                      day of November 2006.

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

  
(Member of the Council)

  
(Member of the Council)


  
(Member of the Council)

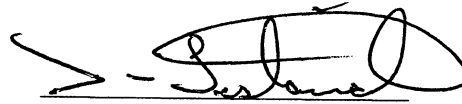
being the majority of those members of the Council of the Duncan's First Nation Band present at the aforesaid meeting of the Council.

The quorum of the Council is 2 members.

Number of members of the Council present at the meeting: 3 .

I, IPOR I ESTA MICH Chief/Councillor of the Band, do hereby certify that a true copy of the foregoing by-law was mailed to the Minister of Indian Affairs and Northern Development at the District/Regional/ Hull office (as the case may be) pursuant to subsection 82(1) of the Indian Act, this 15 day of February 20 06.

  
(Witness)  
WILLIAM STICK CLABB  
SOLICITOR

  
(Chief/Councillor)