

Leq'á:mel First Nation

43101 Leq'á:mel Way
Deroche, BC V0M 1G0



BY-LAW No. 1997-01
of the Leq'á:mel First Nation
A By-law for the Prevention of Disorderly Conduct and Nuisances

Enacted on this 25th day of July, 1997.

WHEREAS the Council of the Leq'á:mel First Nation desires to make a By-law governing the prevention of disorderly conduct and nuisances, with respect to an 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 WEREAS it is considered to be expedient and necessary for the benefit, comfort and safety of the inhabitants of the Leq'á:mel Reserves to provide for the prevention of disorderly conduct and nuisances on the reserves;

NOW THEREFORE the Council of Leq'á:mel First Nation hereby makes the following By-law:

Short Title

1. This by-law may be cited as the “Leq'á:mel Reserve Disorderly Conduct and Nuisances By-law”

Interpretation

2. In this By-law:

“Band” means the Leq'á:mel First Nation

“Council” means the Council of the Leq'á:mel First Nation;

Disorderly Conduct

3. (1) Everyone 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.

Nuisance

4. (1) Everyone who creates or causes a nuisance is guilty of an offence.
- (2) 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.
- (3) In determining whether a period fixed under subsection (2) was reasonable in the Circumstances, the officer shall take into account
 - a) the nature and extent of the nuisance,
 - b) the methods available to abate the nuisance
 - c) the appropriate 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 the subject of an order

Enforcement

- 5. (1) Where the person who has been ordered to stop engaging in disorderly conduct, or to refrain from causing a nuisance within a specified period, 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 to abate the nuisance.
- (2) A person who fails or refuses to comply with an order made under subsection 3(2) or Subsection 5 (1), commits an offence.
- 6. A person who commits an offence under this By-law is liable on summary conviction to a fine not exceeding \$1000.00 or to imprisonment for a term not exceeding thirty (30) days, or to both.

“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) exposing, firing or discharging any gun, pistol or other firearm, or using or threatening to use any other article as a weapon; or
- (h) 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;

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

- (a) the abandonment of cars, household appliances or furniture, or parts of cars, household appliances or furniture;
- (b) the storage of abandoned cars, household appliances or furniture, or parts of cars, household appliances or furniture;
- (c) the dumping or storage of tires, garbage or other refuse;
- (d) the burning of tires, grass, garbage, leaves or other refuse;
- (e) 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 Council.

“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.

7. **“Reserve”** means the reserve of the Leq'á:mel First Nation and includes the Band's Reserves No's: 2, 4, 5, 8, 9, 10, 11 and 12 shall be considered as the area affected by this By-law.

THIS BY-LAW IS HEREBY ENACTED by the Council of Leq'á:mel First Nation at a duly convened meeting of the Council held on the 25th of July, 1997.