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CERTIFICATION

Pursuant to Section 86, Indian Act RSC 1985 C.I-5 and amendments thereto, I certify that the attached copy of the **Tsleil-Waututh First Nation Prevention Of Disorderly Conduct By-law 2002**, which came into effect April 3, 2002, is a true copy of the said by-law.

Kathy Hankin

A/Associate Director, Lands and Trust Services,
a superintendent as defined in
Section 2(1) Indian Act RSC 1985

TSLEIL WAUTUTH NATION

(Burrard Indian Band)

PREVENTION OF DISORDERLY CONDUCT BY-LAW 2002

A By-law for the prevention of disorderly conduct.

WHEREAS the Council of the Tseil Waututh Nation also known as the Burrard Indian Band (the "Band") wishes to establish a By-law governing the prevention of disorderly conduct that is directed toward or committed upon any member of the Band Council, the Traditional Council, any Band Employee or Invitee on the Reserve; and

WHEREAS the Council of the Band is empowered to make such a By-law and the imposition of a penalty for the violation thereof pursuant to paragraphs 81(1) (c), (d), (p.1) (q) and (r) of the *Indian Act*.

NOW THEREFORE BE IT RESOLVED the Council of the Band at a duly convened meeting, enacts as a By-law the following:

Title

1. This By-law may be cited as the "TSLEIL WAUTUTH NATION PREVENTION OF DISORDERLY CONDUCT BY-LAW 2002".

Definitions

2. In this By-law:

"Band" means the Tseil Waututh Nation (Burrard Indian Band), a band of Indians as defined under the *Indian Act*;

"Band Council Resolution" or "Resolution" means a motion, as recorded in the minutes of the meeting, passed and approved at a duly convened meeting of the Band Council pursuant to the consent of a majority of the Councillors of the Band present at that meeting;

"Band Employee" means any person that is employed or retained by, or is consultant to, the Band or any person that has been requested or authorized by the Band Council to volunteer their services on the Reserve for the benefit of the Band;

"Chief and Council" or "Band Council" or "Council of the Band" means the Chief and Council of the Band elected pursuant to sections 2(1) and 74 of the *Indian Act* or any amendments or successors thereto;

"Disorderly Conduct" means any act or behaviour that is directed toward or committed upon a member of the Band Council, any Band Employee or any Invitee, including

- (a) fighting or causing any physical abuse;
- (b) threatening to fight or to cause any physical abuse;
- (c) making or causing unreasonable noise;
- (d) using abusive language;
- (e) using offensive or indecent gestures or displays;
- (f) exposing, firing or discharging any gun, pistol or other firearm or using or threatening to use any other article as a weapon; or
- (g) 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;

“*Indian Act*” means the *Indian Act* R.S.C. 1985, c. I-5, as amended or re-enacted from time to time or any regulations promulgated thereunder;

“*Invitees*” means any third party which has been hired or invited by the Band Council, the Traditional Council or any Band Employee to attend onto the Reserve for a work-related purpose;

“*Reserve*” means Burrard Inlet Indian Reserve No. 3, Inlailawatash Indian Reserves No. 4 and 4A and any additions to the reserve lands of the Band;

“*Traditional Council*” means the Council of the Band selected by traditional families of the Band in accordance with the custom of the Band;

3. This by-law shall be applicable to all areas of the Reserve.

Disorderly Conduct

4. Every person who commits an act of Disorderly Conduct on or toward a member of the Band Council, or the Traditional Council, any Band Employee or Invitee is guilty of an offence.
5. A Band Council member, or any other person appointed by the Band Council for the purpose of enforcing this by-law, may order any person who is engaging in any Disorderly Conduct to stop such conduct immediately.

Enforcement

6. Where a person has been ordered to stop engaging in Disorderly Conduct fails or refuses to comply with the order, a Band Council member, or any other person appointed by the Band Council or a Band Council member for the purpose of enforcing this by-law, may take such reasonable measures as are necessary to stop the Disorderly Conduct, including the use of physical force if necessary.

Headings

7. Headnotes, marginal notes and headings form no part of the enactment, but shall be construed as being inserted for convenience of reference only.

Severability

8. If any provision of this By-law is found invalid, such provision is severable.

Offence and Penalties

9.
 - (a) Every person who offends against or violates any of the provisions of this By-law or who suffers or permits anything to be done in contravention or violation of any of the provisions of this By-law, or who neglects to do, or refrains from doing anything required to be done by any of the provisions of this By-law, is guilty of an infraction of this By-law and is liable upon summary conviction to a fine of not more than \$1,000.00 or imprisonment for a term not exceeding thirty days, or both; and
 - (b) For each day that a violation of the provisions of this By-law is permitted to exist, it shall constitute a separate offence.

This By-law known as the Tsleil Waututh Nation Prevention of Disorderly Conduct By-law 2002 is hereby enacted at a duly convened meeting of the Council of the Band held this 3RD day of April, 2002.

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

Chief [Signature]
(Member of Band Council)

Gerald D. Thomas
(Member of Band Council)

[Signature]
(Member of Band Council)

(Member of Band Council)

being the majority of those members of the Council of the Tsleil Waututh Nation present at the aforesaid meeting of the Band Council.

The quorum of the Band Council is three (3) members.

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

I, Leah D. George, Chief/Councillor of the Tsleil Waututh Nation, 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 offices at 600 - 1138 Melville Street, Vancouver, British Columbia, V6E 4S3 in accordance to section 82 (1) of the *Indian Act*, this 3RD day of April, 2002.