

BY-LAW NO. 2024 – 0221
of the Tla-o-qui-aht First Nations

A BY-LAW FOR THE PREVENTION OF DISORDERLY CONDUCT
ON TLA-O-QUI-AHT FIRST NATIONS RESERVES

WHEREAS the Chief and Council of the Tla-o-qui-aht First Nation desire to establish 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 of the *Indian Act*, R.S.C. c.1-5, and for the imposition of a penalty for a violation thereof;

AND WHEREAS the Tla-o-qui-aht First Nations are empowered by their inherent right of self-government, including jurisdiction over its reserve lands as recognized and affirmed by s.35(1) of the *Constitution Act, 1982*, to enact the present by-law;

AND WHEREAS nothing in this By-law may be interpreted as abrogating or derogating from the rights of the Tla-o-qui-aht First Nations for unceded territories;

AND WHEREAS the Chief and Council of the Tla-o-qui-aht First Nations is empowered to make such By-law pursuant to paragraphs 81(1)(d), (q), and (r) of the *Indian Act*;

AND WHEREAS it is expedient and necessary for the benefit, comfort and safety of the inhabitants of the Tla-o-qui-aht First Nations Reserves to provide for the prevention of disorderly conduct on reserve lands;

NOW THEREFORE the Chief and Council of the Tla-o-qui-aht First Nations hereby makes the following By-law:

Short Title

1. This By-Law may be cited as the “*Tla-o-qui-aht First Nations Disorderly Conduct By-Law*”.

Interpretation

2. In this By-Law

“**By-law**” means this *Tla-o-qui-aht First Nations Disorderly Conduct By-Law*.

“**Council**” means the duly elected Chief and Council of the Tla-o-qui-aht First Nation;

“**Disorderly Conduct**” means any act or behaviour that disrupts the public order on Reserve Lands, including, but not limited to:

- (a) fighting; threat of violence, and or threatening of bodily harm

- (b) making or causing unreasonable noise;
- (c) indecent gestures or displays;
- (d) consuming alcohol, drugs, or illegal substances in a public place;
- (e) being intoxicated or under the influence of any substances;
- (f) loitering, and or trespassing
- (g) exposing, firing or discharging any gun, pistol or other firearm, or using or threatening to harm another individual.
- (h) selling alcohol or illegal substances
- (i) failing to comply with the Tla-o-qui-aht Animal By-law
- (j) disturbing community members with excess noise
- (k) public endangerment through unlawful use of motorized vehicles
- (l) unnecessary use of emergency services

“Guest” means a person who is invited to visit the home of a Resident or is otherwise invited by a Resident to enter onto Reserve Lands;

“Nation” means the Tla-o-qui-aht First Nations;

“Resident” means a person who resides on Reserve Lands, and for greater certainty, includes members of the Nation as well as non-members.

“Officer” means any police officer, police constable or other person charged with the duty to preserve and maintain the public peace, and any by-law enforcement officer or other person duly appointed by the Council for maintaining law and order on Reserve Lands; and

“Reserve Lands” means the Opitsaht Reserve No. 1, Echachis Reserve No. 2, Esowista Reserve No. 3, Kootowis Reserve No. 4, Okeamin Reserve No. 5, Clayoqua Reserve No. 6, Winche Reserve No. 7, Ilthpaya Reserve No. 8, Onadsilth Reserve No. 9, Eelseuklis Reserve No. 10, Tin-Wis Reserve No. 11 and any other lands under the authority of Council.

Purpose

3. The purpose of this By-law is to provide for the prevention of Disorderly Conduct on Reserve Lands.

Disorderly Conduct

4. (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.

(3) No person shall obstruct, interfere with or hinder an Officer in the carrying out of their duties and responsibilities under this By-law.

Responsibility of Residents for Conduct of Guests

5. Residents are responsible for the conduct of their Guests on Reserve Lands. Where a Guest of a Resident commits an offence contrary to this By-law, then that Resident is jointly and severally liable for any fines issued to such Guest.

Enforcement

6. (1) Where a person who has been ordered to stop engaging in Disorderly Conduct fails or refuses to comply with an order under section 4(2), 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 4(2), or who obstructs, interferes with or hinders an Officer contrary to subsection 4(3), commits an offence.

Penalty

7. A person who commits an offence under this By-Law is subject to disciplinary action up to and including removal from all Tla-o-qui-aht lands.
8. Each day a violation of this By-law continues will be deemed to be a separate offence for which a fine or imprisonment may be imposed.

Application

9. Where any other Tla-o-qui-aht First Nations by-law, federal Act or regulation, or provincial Act or regulation may apply to any matter covered by this By-law, compliance with this By-law will not relieve the person from also complying with the provisions of any such applicable Act, regulation or by-law.
10. If any section of this By-law is for any reason held invalid by a decision of a court of competent jurisdiction, the invalid section or subsection will be severed from and not affect the remaining provisions of this By-law.

Coming Into Force

11. This By-Law shall come into force upon it being first published pursuant to subsection 81(1) of the *Indian Act*.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of Tla-o-qui-aht First Nations this 21 day of February, 2024.