



May 17th, 2016

Official Notice

RE: ***Proposed Public Safety and Order Law***

A Public Safety and Order Law. A major purpose of keeping our Members and our Community safe. The Beecher Bay Lands Management Advisory Committee completed and Recommended to Chief and Council date; February 19th, 2013.

2nd Introduction at a meeting of Chief and Council Date: May 2nd, 2016

Deposited with Chair of the Beecher Bay Lands Management Advisory Committee, Date: May 2nd, 2016

Posting Date : May 17th, 2016

Will be tabled and voted on by Chief and Council Date: May 24th, 2016

See Attached Law:

You can contact -Bernice J Millette – Beecher Bay First Nation Lands Manager, for further information, via: Phone, email or in person

250-474-0367

bernicebbfn@live.ca or at the Beecher Bay Learning Center @ 4744 East Sooke Road

Posting areas : BBFN Band Office, Cheanuh Marina, BBFN Treaty Office, BBFN Learning Center , A Place to Play Daycare, Sutiacum Road Notice Board and the Scianew Web site.

BEECHER BAY



PUBLIC SAFETY AND ORDER
LAW, 2016

Contents

Preamble 4
Purpose 4
Interpretation 4
Definitions 4
Beecher Bay is Occupier of Band Land 7
Prohibitions 7
Nuisance..... 7
Offences and Penalties..... 7
Right of Appeal 8
Severability..... 8
Force and Effect 8

Preamble

WHEREAS

- a) Beecher Bay First Nation has inherent rights, customs, traditions and the inherent right to self-government as recognized and affirmed in the “Douglas Treaty” and Section 35 of the *Constitution Act, 1982*;
- b) Beecher Bay First Nation has jurisdiction and authority over its lands, resources and interests pursuant to its Aboriginal title to its lands and its inherent rights, which is reinforced by the “*Beecher Bay First Nation Land Code*”, which came into force and effect on August 1, 2003;
- c) The Code confirms Beecher Bay’s general authority to pass laws including in section 6.1(l) Beecher Bay’s authority to enact laws applicable to the removal and punishment of Persons trespassing upon Beecher Bay lands or frequenting Beecher Bay Land for prohibited purposes, and, in section 6.1(m) Beecher Bay’s authority to enact laws applicable to public and private nuisance and disorderly conduct upon Beecher Bay Land;
- d) And Council believes it is in the best interests of Beecher Bay to pass a law to protect public safety and prevent disorderly conduct and nuisance and related issues;

NOW THEREFORE

Council of Beecher Bay hereby enacts the *Beecher Bay Public Safety and Order Law, 2014*.

Purpose

1. The purpose of this Law is to protect public safety and order and prevent nuisance on Beecher Bay First Nation Land.

Interpretation

2. The headings of parts and sections in this Law have been inserted as a matter of convenience and for reference only and in no way define or limit or any of its provisions.

Definitions

3. (1) In this Law, words or expressions defined in the Code that are also used in this Law will, except where the context requires otherwise or is otherwise indicated, have the same meaning as those words or expressions defined in the Code, with necessary changes in the details.

(2) In this Law the following definitions apply:

“Beecher Bay Land” or “First Nation Land” means any portion of land that is subject to the Land Code;

“Bow” means any curved device capable of firing an arrow or bolt but excludes toy bows;

“Enforcement Officer” means any Person or Persons appointed by Council, from time to time, to administer and enforce the provisions of this Law, and includes any delegate, the RCMP and any peace officer;

“Firearm” means any device, including a barreled weapon, from which any shot, bullet or other projectile can be fired or discharged and that is capable of causing serious bodily injury or death to a Person, and includes any frame or receiver of such a barreled weapon and anything that can be adapted for use as a Firearm;

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

- (a) The abandonment of cars, household appliances or furniture, or parts of cars, house appliances or furniture outside of the owners’ or occupiers’ Premises;
- (b) The visible storage of abandoned cars, boats, household appliances or furniture, or parts of cars, household appliances or furniture;
- (c) The dumping or storage of tires, grass, garbage, leaves or other refuse outside of the owners’ or occupiers’ Premises;
- (d) The burning of tires, garbage or other refuse; and
- (e) The discharge of any substance into the environment with the potential to cause harm to people, animals or the environment;

that materially impairs, 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 Beecher Bay community, but does not include any act, activity or condition to the extent it has received a permit or authorization under Beecher Bay law;

“Occupier” includes,

- (a) A Person who is in physical possession of Premises, and
- (b) A Person who has responsibility for and control over the conditions of Premises or the activities carried on there, or control over Persons allowed to enter the Premises, even if there is more than one occupier of the same Premises.

“Person” includes any individual and includes a corporation;

“Prohibited Activity” means any of the following, unless authorized by a Beecher Bay law or permit:

- (a) Hunting, trapping or fishing by non-members for commercial purposes;
- (b) Hunting, trapping or fishing in an area not zoned or permitted for the activity, or within 150m of the cemetery or a 800m of a residential area;
- (c) Removal of any natural resources for commercial purposes;
- (d) Soliciting, including soliciting financial assistance;
- (e) Hawking or peddling of wares or merchandise, except on a small scale by members with permission from Council;
- (f) Manufacturing, packaging, distributing, offering or selling any drugs or alcohol or a controlled or illegal substance;
- (g) Dumping and Disposal of refuse on First Nation Land or outside of a Person’s own Premises, including household, wood, wood products, wood by-products or wood waste undecomposed organic matter, petroleum products or by-products, concrete products or anything of substance or liquid with potential to cause Nuisance or to harm people, animals or the environment;
- (h) Entering any Premises without the Occupier’s permission;
- (i) Refusing to leave Premises when requested by the Occupier to do so;
- (j) Engaging in an activity on or in a Premises after the Person has had notice from the occupier of the Premises that the activity is prohibited;
- (k) Engaging in any of the following in a manner that disrupts public order scandalizes the community, or causes public inconvenience, annoyance or alarm, within Beecher Bay Land:
 - (i) Fighting;
 - (ii) Making or causing unreasonable noise before 7:00 a.m. or after 11:00 p.m.;
 - (iii) Using abusive language;
 - (iv) Using offensive or indecent gestures or displays;
 - (v) Being drunk and disorderly;
 - (vi) Exposing, firing or discharging any Firearm or Bow within 800m of a residential area or 150m of a cemetery or road, or using or threatening to use any other article as a weapon other than in accordance with this Law or other applicable legislation;
 - (vii) Loitering in areas that have been designated no loitering; or
 - (viii) Interfering with the orderly conduct of commercial, administrative, educational, recreational, health care, religious or ceremonial activities; and
- (l) Any activity designated by Council by regulation; and

“Premises” means a dwelling or structure owned, used or lawfully occupied by a Person and include the property associated with it.

Beecher Bay is Occupier of Band Land

4. Where Premises are or include Band Land, Beecher Bay is the Occupier as represented by Council or any Person delegated by Council.

Prohibitions

5. (1) It is prohibited to carry out a Prohibited Activity on Beecher Bay Land.
 - (2) Any Enforcement Officer may order any Person who is carrying out a Prohibited Activity on Beecher Bay Land to stop.
 - (3) Any Enforcement Officer may order any Person carrying out a Prohibited Activity to leave the Premises or Beecher Bay Land.
 - (4) Where a Person who has been ordered to leave Beecher Bay Land under subsection (3) refuses or fails to do so, the Enforcement Officer may take such measures as may be reasonably necessary to remove that Person from Beecher Bay Land or the Premises, as applicable.
6. (1) It is prohibited to create a Nuisance.
 - (2) An Enforcement Officer may order any Person who is causing or who threatens to cause a Nuisance on Beecher Bay Land to refrain from causing the Nuisance or to stop the Nuisance within such time period as is reasonable in the circumstances.
 - (3) Where a Person who has been ordered to refrain from causing a Nuisance or to stop a Nuisance within a specified period, fails or refuses to comply with the order, an Enforcement Officer may take reasonable measures as are necessary to prevent or to abate the Nuisance.

Offences and Penalties

7. (1) It is an offence to:
 - (a) Contravene this Law including by contravening section 5 or section 6; or
 - (b) fail or refuse to comply with an order made by an Enforcement Officer under this Law.
8. (1) Any Person who commits an offence under this Law is subject:
 - (a) on summary conviction to a jail sentence of up to six months and/or a fine of not more than \$5,000; or

(b) to any fine or ticket lawfully imposed by an Enforcement Officer under any Beecher Bay ticketing or offense law.

Right of Appeal

9. Any Person to whom a ticket is issued in accordance with this Law may appeal to Council and upon such appeal the Council may confirm or may set aside such ticket on such terms as it sees fit.

Severability

10. In the event that all or any part of any section or sections of this Law are found by a court of competent jurisdiction to be invalid, such sections shall be severable, and the remaining portions or section shall remain in full force and effect.

Force and Effect

11. This law shall take effect upon its adoption by the Beecher Bay First Nation by Council Resolution.

Recommended to Chief and Council by Beecher Bay First Nation Lands Office on the 3rd day of April, 2014.

Posted in the Beecher Bay Administration Office and in other public places as required by section 7.2(c) of the Land Code on the ____ day of _____, 2016 (must be at least 7 days before the Law is passed by Council).

BE IT KNOWN that this Law entitled *Beecher Bay Public Safety and Order Law, 2015* is hereby enacted by a quorum of Council at a duly convened Council of the Beecher Bay First Nation held on _____, 2016.

(BCR# _____)

Chief Russell Chipps

Gordon Charles

Bernice Millette

A Quorum consists of 2 Council